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THE ISSUE OF *SECTARIANISM*

WHAT DO THE SECTARIANS WANT?

WHAT ARE THE ISSUES?

WHAT ARE THE PRINCIPLES AT STAKE?

WILLIAM H. KILPATRICK • R. LAWRENCE SIEGEL • JOHN L. CHILDS
THOMAS E. BENNER • HAZEL FLETT • ALICE PITTMAN

Let's Make the Sectarian Issue Clear

AN EDITORIAL

MAGAZINE OF THE AMERICAN EDUCATION FELLOWSHIP

PROGRESSIVE EDUCATION

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LET'S MAKE THE SECTARIAN ISSUE CLEAR

—AN EDITORIAL

One of the most crucial public issues before the American people is that concerning the role of organized religion in American society. Before the present decade it was generally considered that that question had been settled once and for all, by the principle that a man's religion is a matter between himself and God. This principle meant that no man-made institution or rules should come between a man and his creator; that where, when, how, and what a man worships are all questions to be settled by his conscience; that in this country there should be no orthodoxy in religion, no public compulsion to force a person to believe one way rather than another, or, indeed, to believe at all. All this is implied in the First Amendment to the federal constitution and has been repeatedly affirmed by the political history of the nation.

It is a basic American doctrine therefore that religion is a private rather than a public matter, and consequently belongs to the realm of personal freedom. That religion should be a private matter is a conclusion to which the Founding Fathers were driven by bitter personal experience. They had clearly seen at first hand what bitter conflict, extreme intolerance, and widespread grief necessarily come from mixing organized religion with the affairs of state. They therefore resolved in the First Amendment to render unto God the things that are God's and unto Caesar the things that are Caesar's. This was our major contribution to the political thinking of the world. Down through the decades it has worked to the advantage of both organized religion and government. We have been free from religious political parties such as those which have infested the politics of certain European countries. We have grown in religious tolerance and in moral strength. Nowhere is organized religion more secure, more adequately supported, more respected, or freer from state interference than in the United States.

During the past two decades a few well-meaning sectarians, dissatisfied with the private role of religion, have been agitating for state support of organized religion. Some of these sectarians would not call it that. They would say they were fighting secularism. And of course that is true. But they are fighting it at the expense of the basic American principle that the law and authority of the state shall not be used to maintain organized religions. In effect, these sectarians have come to the conclusion that organized religion can no longer make its way alone and that it must therefore lean on the arm of the state. The arm on which they want religion to rest is education. They want religious education in which each child will be taught some religious creed, or, at least, impelled by religious instruction toward acceptance of some faith. This instruction is to be given at state expense either in the public schools or parochial schools, depending upon the sect.

Thus new issues respecting the relation between church and state have arisen. The teaching profession has been slow to grasp these issues. It has failed to see the logical consequences of such practices as released time and free textbooks to parochial schools. As a result, some teachers have sided with the sectarians against citizens trying to protect their constitutional rights as well as the non-sectarian character of the public schools.

Moreover, we have failed to see the international effects of the tendency toward the sectarianizing of public education. To European democrats who have witnessed the evil effects of church influence in political affairs and who consequently wish to divorce church and state, the tendency toward sectarian education in the United States is viewed with misgivings if not alarm. If we wish to oppose the European totalitarians on both the left and the right, it hardly seems sensible to pursue domestic policies in education, or, for that matter, in any other public activity, which tend to cause the democratic forces of Europe to look to the totalitarian left, since they fail to find in us consistent support for the principle of separation the only genuine alternative to either left or right.

The Supreme Court decision in the McCollum

case has given the forces against sectarianism in education a breathing spell. They should now assess their position, mobilize their resources, and organize themselves to meet the next move. Many church leaders and devoted church members in all sects have already come to the support of the non-sectarian public school. Many others will come also when the issue is clearly drawn. If the issue is presented to the American people, there will be no doubt as to where they will stand. The danger is that the issue will be settled without adequate public understanding. It is the obligation of the teaching profession to do all in its power to see that the people clearly understand the issue and the probable consequences of the various courses of action which have been and will be proposed.

— B. Othanel Smith

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RELIGION IN EDUCATION: THE ISSUES

by **WILLIAM HEARD KILPATRICK**

A hundred years ago this decade the battle to free the schools from sectarian influence was waged. Today the sectarian issue is being raised again in new and more subtle forms. Every teacher and every citizen has a vital stake in this question. If the battle is to be fought over again, and it seems clear that it will be, the teaching profession and the public must be clear as to what the points of conflict are. Otherwise the churches as well as the schools, the public as well as the teaching profession, will suffer the consequences of a muddled and confused "solution." The issues involved are clearly set forth in this article. Dr. Kilpatrick is Emeritus Professor of Education, Teachers College, Columbia University.

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My task as assigned by the editor is to "set forth the issues within this whole area of religion in education." Since other articles are to treat of the specific issues as such, the aim here will be to "set forth"—differentiate, make clear, and relate—the several issues involved, but not to discuss their merits.

Few if any matters before the American people cut any deeper into contending issues both as historically oriented and as currently held. And few problems are accordingly more complex. Because of this complexity an adequate analysis is not easy. The treatment here adopted is threefold: (i) to choose a simpler instance from among the various issues involved and subject this to a preliminary try-out treatment in such way as to bring out a sample portrayal of the values felt to be at stake by the various opposed parties; (ii) to consider the differing meanings given by the opposed groups to certain important conceptions; and finally (iii) to present a list of significant issues which emerge from the study of the problem of religion in education.

A SAMPLE ISSUE

The sample issue chosen for try-out treatment is the fairly widespread public school practice of singing Christian Christmas carols in spite of the fact that the school is public and includes non-Christian children among its pupils. It happens that the writer has recently been called upon by a responsible group of citizens to discuss publicly this very issue.

Concerning this practice of carol singing three questions present themselves, the three overlapping more or less and each presenting a distribution of answer attitudes.

1. Is this practice of carol singing desirable from a religious point of view?

In answer we have a scale of response attitudes varying from a strong *yes* at one end on down to zero and then rising up to a strong *no* at the other end. Those with the strong *yes* may historically be deeply rooted in America or they may be fairly recent comers to these shores. If deeply rooted, they may never have had any other thought than that America is in origin, and in fact of population, a Christian country. If newcomers, they may feel strongest their loyalty to their church. Both such groups probably wish the public school to bring up all children in the Christian tradition. If some pupils come from anti-Christian or non-Christian homes, these zealous ones will probably feel that somehow such unfortunate children do not adequately represent America and, at any rate, it won't hurt them to take this slight part in a "real" religious program.

Down toward zero on the scale, but still on the positive side, there will be certain Christian-bred

teachers who are relatively indifferent to the religious argument, but feel that Christmas carols are a desirable part of the culture and that the general Christmas interest will make the children willing to learn and sing them. Those who oppose this carol singing divide into two groups. First are the Jews and certain non-Christians who prefer not to have their children taught, in this seeming authoritative fashion, these Christian songs. Second are certain thoughtful citizens, both non-religious and some earnest and zealous Christians such as Baptists and Quakers, who openly oppose and reject any intermingling of church and state in the public school. These feel that to subject the Jews to this embarrassing situation is a direct denial of ethics and democracy as well as a violation of the proper separation of church and state.

2. The second question develops from the first: Will a proper democracy and sensitive ethics be willing to embarrass Jewish or other non-Christian pupils of the public school by such practices as singing Christian carols or reciting the Lord's prayer?

In answer we again find a scale. At one end comes a strong *no;* democracy and ethics alike oppose such practices. Lower down in the scale and on the *yes* side are those who identify democracy with majority rule and, being in the majority, are relatively insensitive to the feelings of groups other than their own.

3. The third question relates explicitly to the legal aspect of the problem: Is it legally permissible for the public school to engage in such specific Christian practices as singing Christian Christmas carols?

And here again we find an answer scale, varying from a strong *no* through zero to a definite *yes.* On the *no* side are many who feel that the *obiter dicta* of the Everson and McCollum decisions of the Supreme Court show that a majority of the Court count that "the prohibition [of the 1st amendment as broadened by the 14th] broadly forbids state support, financial or other, of religion in any wise, form, or degree" (Mr. Justice Rutledge). Others, on the *yes* side, attack the McCollum decision as going entirely too far and count themselves meanwhile legally free to teach the singing of such carols.

These three points of view serve to give us some notion of how the American people divide on the general question. We next dig a little deeper into the differences.

MEANINGS INVOLVED IN THE ISSUES

The opposed groups in this matter of teaching religion in the school understand certain crucial terms in such different ways that to understand and evaluate the opposed positions we have to understand the differing meanings given by them to these terms. Six terms seem to demand this special treatment: religion, religious freedom, secularism, spiritual, democracy, teaching.

1. *Religion.*—The strongly different understandings of what religion is enter definitely into the active issues here under consideration. The nature of religious authority is perhaps the chief factor in dispute. We again find a scale and can easily distinguish on it seven different positions.

(1) At one end stand those who believe that an infinite, omniscient, omnipotent personal God has made the head of their church His vicar on earth, giving to him "the mandate and the right to teach with authority... in matters of faith and morals." When the head of this church has in proper manner made a decision regarding any doctrine, "this is in itself complete, absolute, and final proof of the truth of this doctrine."

(2) Lower down in the scale are those who believe in this same infinite God but hold that His word to man is the Bible, these counting this to be the infallible and inerrant word of God. It then becomes the duty of men to study this book to learn their duty.

(3) Further down the scale scattered along are various "modernistic" positions as to the extent of man's available knowledge regarding the will of God. The disciplines of "higher criticism," "comparative religion," and modern science acting together have for these groups put the authority of theology and belief in religious doctrine much more on a par with what man can by inductive study find out for himself. Possibly at this point belongs John Locke's statement: "He that takes away reason to make way for revelation puts out the eye of both." An adverse critic (J. B. Bury) says of this general position that "during the last three hundred years, reason has been slowly but steadily destroying Christian mythology and exposing the pretensions of supernatural revelation."

(4) Perhaps overlapping with the position just preceding and leading definitely to the succeeding position, we find position (4) which defines religion as "the quest for the values of the ideal life, involving three phases: the ideal, the practices for attaining the values of the ideal, and the theology or world view relating the quest to the environing universe." It is the term "theology" in this definition which joins position (4) with postion (3). The term "world view" if taken alone would perhaps unite position (4) with position (5).

(5) This position leaves no place for the supernatural, but still recognizes an essential aspect of life which may well be called religious: "Any activity, pursued in behalf of an ideal end against obstacles and in spite of threats of personal loss, because of conviction of its general and enduring value, is religious in quality."

(6) Further down from supernatural authority, possibly below zero in attitude toward religion, stands the assertion: "A deep belief in a personal deity destroys all deep belief in the unconquerable personality of man."

(7) Finally comes the definite anti-religious statement of Karl Marx that religion is the opiate of the people.

So much for the various understandings of what religion means.

2. *Religious Freedom.*—From the differing conceptions of religion and religious authority discussed above there follow at once different conceptions of a proper religious freedom.

In the first of these seven conceptions of religious authority we find proponents saying that their church, "convinced through its divine prerogatives of being the only true church, must demand the right of freedom for herself alone." In some countries, however, they "will be obliged to ask full religious freedom for all, resigned at being forced to cohabitate where they alone should rightfully be allowed to live." In other words, "such a right [to relgious freedom] can only be possessed by truth, and never by error."

James Madison's statement of the opposed position assumes that no one has as yet found a way of learning about religion except by reason:

> We hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the Manner of discharging it, can be directed only by reason and conviction, not by force or violence." (*Va. Decl. Rights,* Art: 16) The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right.

3. *Secularism.*—Dictionary (1947): "The view that public education and other matters of civil policy should be conducted without the introduction of a religious element."

From certain people who uphold the first definition of religion given above comes this statement: "The failure to center life in God is secularism, which . . . is the most deadly menace to our Christian and American way of living."

A group expressing the second definition of religion supports the general position just quoted with these words: "An acceptance of basic religious truths is the foundation for spiritual growth, and the motivation for moral conduct."

By contrast, many holding to the 3rd, 4th, and 5th definitions of religion as given above would accept the dictionary definition of secularism as just given, and affirm not only that such a secularism is no menace but that it is the only proper work of the public school. In keeping with this attitude and in anticipation of the discussion on "spiritual," a recent educational yearbook, *The Public Schools and Spiritual Values,* asserts "both the logical possibility and the practical potential adequacy of the public school to teach such spiritual values as": "moral insight, integrity of thought and act; equal regard for human personality wherever found; faith in the free play of intelligence both to guide study and direct action, and, finally, those further values of refined thought and feeling requisite to bring life to its finest quality." And they propose to do this "on the basis of human reason and experience and without necessary recourse to religious authority."

4. *Spiritual.*—Webster gives nine senses in which the term spiritual is used. Of these the 2nd and 3rd together give one definition, and the 4th and 5th similarly give another.

> 2. Of or pertaining to the intellectual and higher endowments of the mind . . . also highly refined in thought and feeling
>
> 3. Of or pertaining to the moral feelings or states of the soul, as distinguished from external actions. . . .
> [That these 2nd and 3rd senses precede the 4th and 5th is apparently no other than historic priority of usage.]
>
> 4. Of or pertaining to the soul or its affections as influenced by the divine spirit. . . .
>
> 5. Of or pertaining to sacred things or the church. . . .

It is natural then that the 1st and 2nd definitions of religion as given earlier would incline rather to the 4th and 5th meanings of the term spiritual; while the 4th and 5th definitions of religion would tend to use the 2nd and 3rd meanings of spiritual.

5. *Democracy.*—This term (excluding the Communistic propaganda use of it) tends to be used in two senses: one as a kind of government, government by the people; the other includes government by the people but goes beyond and deeper than government to stress the spirit of ethics and the Golden Rule which should, but may not, predominate in majority rule.

It is the second sense of democracy which seems especially to demand that the dominant Christian group consider, for example, the minority groups, both religious and non-religious, before it demands Bible reading, the Lord's prayer, Christmas carols, and the like in public schools.

6. *Teaching* looks to two quite different types of character according as it stresses (i) obedient acceptance by the learner of what the teacher wishes to inculcate or whether (ii) it stresses the upbuilding of self-directing character, the ability and disposition to consider the total situation, including the rights and feelings of all others involved, before deciding to act.

One of the justices in the McCollum case said of position (1) in religion: it "does not leave the individual to pick up religion by chance. It relies on early and indelible indoctrination." Emperor Francis of Austria (c. 1822) illustrated the same ideal of teaching from a political point of view: "Obedient subjects are more desirable than enlightened citizens." Herbert Spencer favored the second type of teaching: "The aim of your discipline should be to produce a *self-governing* being; not to produce a being *to be governed by others.*" A later educator develops the same thought: "Children in school must be allowed freedom ... to develop active qualities of initiative, independence and resourcefulness, before the abuses and failures of democracy will disappear."

STATEMENT OF ISSUES

Following all the foregoing, we are now ready to present a list of the issues which seem to be most significantly involved in the problem of religion in education. The chief interest is of course the disputed area of religion in the public school. It appears wise to present the issues in connection with certain questions which lead naturally to the issues.

Q 1: Is religion to be given an essential place in education? The answer to this question raises acutely the problem of what meaning to give to the terms *religion* and *teaching* as discussed above.

Groups (1) and (2) of religion will in general answer *yes* to this question, meaning to teach their authoritative creeds by indoctrination. In their own privately controlled schools religious teaching will permeate all else. In connection with the public school, released time will be sought for a special period of indoctrination.

Group (3) will likewise answer *yes* to Q. 1, but will not in general expect other than Sunday school or released time teaching; and this position will move away from plain indoctrination toward the second type of teaching.

Groups (4) and (5) will be largely indifferent as to whether the term *religious* be applied to the teaching they support. And both will urgently demand teaching in behalf of social and moral ideals, using the second type of teaching.

Group (6) possibly, and group (7) certainly, will oppose the teaching of anything customarily called religion. But each group will wish to teach its own social and moral ideals, group (6) by the second type of teaching, group (7) by indoctrination.

Out of this multiform answer there emerges the following complex issue:

Issue 1: What does religion mean? What differing kinds of teaching of religion do the several meanings of religion respectively favor? What shall be done about it all?

The next question splits into two according as we, first, ignore (for the sake of this discussion) the legal possibility that the Supreme Court has settled the question and, second, accept that the McCollum decision rules out from the public school all teaching of religion.

Q. 2: Disregarding the legal aspect, is it *otherwise right* for the public school to teach religion as such and (a) require all to take it or (b) permit non-conforming parents to have their children excused or (c) apportion school funds to any religious group wishing to set up its own school?

As to option (a), we may rule it out of consideration. The world in general, and America in particular, has progressed too far from an established church to permit this option. Some have proposed that the public school teach the common elements underlying all religious outlooks (including the non-religious); but since to call this religion would provoke strong antagonism from the active religions the plan need not be considered. It is not teaching religion *as such.*

Option (b) was perhaps sufficiently discussed under question 2 of a sample issue, but it seems wise to present here the specific issue:

Issue 2: Does, or does not, the spirit of democracy require that the public school avoid acts which formally separate the pupils of one religious group from the rest?

Option (c) of Q. 2 leads directly to a very important issue not thus far herein discussed:

Issue 3: Do we wish the segmentation of our population by religion, as in Quebec? and with probable resulting political parties or blocs as in Belgium and the Netherlands?

If Q. 2 (a) be answered in the negative, then two related issues emerge:

Issue 4: If the school is to inculcate nothing of religion, does this forbid such practices as Bible reading (as worship), the Lord's prayer, and the singing of Christian Christmas carols?

Issue 5: Can the school practice any of these Christian religious observances without improperly disregarding the rights and feelings of all non-Christians thereby concerned?

This issue in part repeats Issue 2, but it seems wise to repeat it in this more explicit setting.

Q. 3: Supposing that the McCollum decision does forbid any public school support of religion in guise, form, or degree, what shall the opponents of the decision do? This question leads directly to a further issue:

Issue 6: Shall effort be made to amend the Constitution so as to permit the appropriation of public money for teaching religion?

There appear signs that the movement so to act is already under way.

Q. 4: How is character built? How shall those character traits be taught that are required for good individual and group living?

This question, understood in the light of the discussion of the terms religion, secularism, spiritual, and teaching, leads at once to two further issues:

Issue 7: Is supernatural religion necessary to the effective teaching of the character traits required for good individual and social living?

Issue 8: Is the public school guilty of attack on religion if it acts on the basis of the answer *no* to Issue 7?

Three final issues complete the list.

Issue 9: Is higher education justified in considering whether religion is not now properly in process of remaking in the light of increasing knowledge?

Issue 10: Is the public school justified in teaching, on its merits, a conception of morality and spirituality which follows from Issue 9?

Issue 11: Are the students in high school and college to be encouraged to criticize in class the various systems of religion with their consequent effects on civilization in order to find out what they should themselves believe?

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THE CHURCH AS EDUCATOR

By CONRAD HENRY MOEHLMAN

What is wrong with the Church? Is religion being replaced by science and materialism as a guide to better living? Has the church an important place in our one world of today? Is it possible for religious institutions to become a useful and vital reality in the lives of average citizens? THE CHURCH AS EDUCATOR is a penetrating analysis of the real influence of religion in the community. It praises where praise is deserved, and it dares to criticize where criticism is justified. Professor Moehlman's frank discussion of the shortcomings and urgent needs of the church should be read by all Americans concerned about making religion an effective force for social progress.

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CHURCH-STATE SEPARATION AND THE PUBLIC SCHOOLS

by **R. LAWRENCE SIEGEL**

The issue over public support of religious education involves many fundamental aspects of the legislative and legal history of the nation. There are many crucial points of legal as well as historical interpretation which must be understood by the teaching profession if it is to play an intelligent role in the resolution of the issue. In this article the reader will find a courageous and challenging statement of the major historical and legal considerations as well as some of the questions which have followed in the wake of recent Supreme Court decisions. The author is an attorney-at-law in New York City.

The American doctrine of separation of church and state has been increasingly subject to attack in recent years, particularly in the field of public education. The assault goes beyond considering merely the interpretation and application of this doctrine. Its very existence and reality as an American principle is disputed by a considerable number of sincere and earnest persons, who regard it as the shibboleth of doctrinaire secularism, and deny that it is descriptive of the American tradition and ideal in church-state relations.

Conflicting views on the doctrine of separation have their main point of collision in the public school system. In this area of church and state relations, there are two lines of attack upon the principle of separation. One is the attempt to introduce religious indoctrination and observances into the public schools. The most common instance thereof is the system of released time religious instruction. The second is the effort to secure public funds and other assistance with which to aid sectarian institutions and interests. Familiar examples are the furnishing of free textbooks and transportation to private parochial school pupils.

Until a few decades ago, it was generally assumed that both the secular character of the public schools and the non-support of religion by the government were assured under the traditional doctrine of separation. But in late years these assumptions have been challenged, with some success, in many forums, including the courts and Congress. As a consequence, the use of governmental machinery and auspices to aid sectarian groups in providing sectarian religious instruction and the use of government funds to assist religious interests are now basic issues in constitutional law and in our daily lives. Within the past two years the Supreme Court of the United States has laid down the rule that there is constitutional protection against both avenues of attack from the federal and state governments and their various agencies, including local boards of education. But nonetheless the two-fold drive on the doctrine of separation continues in expanding breadth and intensity.

The decision of the United States Supreme Court in the *McCollum* case is of utmost importance; it throws new light on the released time movement, the furnishing of free buses and textbooks to private parochial school pupils, Bible reading, the wearing of religious dress by teachers in the public schools, and other practices in the sphere of public education which appear to be inconsistent with the doctrine of separation of church and state. This decision bids fair to stay and repel, although it has not halted, threats to the doctrine of separation in public education. It goes farther than merely to outlaw religious classes which are conducted on school time in the school building and to prohibit federal and state assistance to religious groups. It reaffirms the American doctrine of separation, and lays down valuable criteria by which to test other related practices in the realm of public education not specifically before the court in the *McCollum* case. It clearly seems to condemn the commingling and unification of all sectarian and secular education in the public schools or under public school auspices. It also appears to ban all federal and state aid to sectarian institutions.

The purpose of this article is to review the principles developed in the *McCollum* case and to examine the significance of the decision, with special reference to concrete problems affecting church and state in public education.

THE AMERICAN SECULAR PUBLIC SCHOOL

In the United States, education is a state and local, not a national function. Inasmuch as the Constitution of the United States is completely silent on the subject of education, it is therefore reserved to the states. Each state makes its own laws, regulations and rules regarding education. Education is administered locally.

In the past one hundred thirty years or so, the states have evolved their own solutions of the age-old question whether government, the family, or the church shall have control of the education of the child. These solutions in broad outline provide:

1—that the state shall have prescribed standards for education and make adherence to them compulsory;

2—that to promote the ideal of universal education, the state shall provide free, public, tax-supported schools;

3—that the basic principle of separation of church and state requires that religious indoctrination be excluded from these schools;

4—that the parents shall retain full freedom to use the public schools for the education of their children, or if they choose, to educate them instead in private schools at their own expense, provided these schools conform to the standards prescribed by the states;

5—that education of all children up to a stated age shall be compulsory either in a public or private school.

The keystone of our public education is the institution of the public school. It derived from the philosophy of freedom that early displayed itself in the United States. It is a free school, providing education at public expense for all children within a specified age range. It is supported by taxes which each person, regardless of his religion or lack of it, is compelled to pay. The school is secular, and not religious, in its purposes and instruction. The public school is organized on the premise that its function is to provide all needed temporal knowledge, while maintaining a strict and lofty neutrality as to religion.

SOCIAL AND CONSTITUTIONAL HISTORY OF THE DOCTRINE OF SEPARATION. THE FIRST AND FOURTEENTH AMENDMENTS.

When the doctrine of separation of church and state in America is viewed in one continuous panorama, from colonial experience through the introduction and adoption of the First Amendment and right down to the present, its most distinctive features are its background and purpose as expressed in the First Amendment at its adoption in 1791, the widespread growth of the tradition of separation in the states during the nineteenth century as declared in their constitutions and implementary statutes, the extension of the First Amendment into the due process clause of the Fourteenth by the Supreme Court of the United States in the second quarter of this century, and finally the definition of the First Amendment by the Supreme Court in the *Everson* case in 1947 as meaning complete separation of church and state, and the reaffirmation of this construction by the court in the *McCollum* case, in 1948.

The chief constitutional support of the doctrine is the first part of the First Amendment, which is significantly the opening portion of the Bill of Rights. It provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The only reference to religion in the body of the Constitution is the closing phrase of Article 6, Clause 3 which provides that "no religious test shall ever be required as qualification to any Office of Public Trust in the United States."

The First Amendment, which has as its historical background a lengthy and bitter struggle for religious freedom and the separation of church and state, embraces the two American concepts of separation: 1) disestablishment and 2) the restriction of religion to the realm of private interest, extraneous of government recognition, support, and regulation.

The majority of our early settlers came from lands where church and state were not separated but linked or closely interrelated. Many had themselves suffered, or were descended from those who had suffered, for their religious beliefs. A large proportion came here from Europe to escape the bondage of laws which compelled them to support and attend government favored churches. They were mostly persons of intense religious convictions. Hence, they settled generally as religious communities. Unfortunately, although seeking religious freedom for themselves, the settlers did not wish to extend it, and were quick to deny it, to those with differing religious beliefs. The practices of the old world, in religion, were transplanted and began to thrive in the soil of this country. There developed therefore within some colonies a union of church and state, in some others an almost equally close interlocking relationship. Only three colonies never had any form of established church. Generally speaking, in colonial America it was the accepted duty of the state to foster not only religion in general, but a particular form of Christian faith. Furthermore, the acceptance of this responsibility usually involved the suppression, if not always of dissenting opinions, at least of public worship other than that established by law. Dissenters were compelled to pay tithes and taxes to support government-sponsored churches.

During the pre-Revolutionary period, the colonists repeated many of the religious quarrels of the old-world, with like results in persecution, suffering, discrimination, and civic disunity. These quarrels led to a growing desire for separation of church and state, which feeling proliferated widely and became ever more apparent. By the time of the War for Independence, the desire for religious freedom was intense and rather common. Dissenting groups had been discriminated against, and their discontent was part of the internal upheaval that accompanied the War.

Battles for religious liberty broke out in Virginia and other states. These contests were waged on two fronts: 1) to end the institution of an established

church; 2) to transfer religious belief and religious activities from the area of public concern to one of exclusively private interest. The Virginia Declaration of Rights, adopted in 1776, just a few days before the Continental Declaration of Independence, expressed an idea which was then current in all the colonies. It declared that all men are equally entitled to the free exercise of religion, according to the dictates of conscience. This Declaration has been hailed as the first official legislative pronouncement that freedom of conscience and religion are inherent rights of the individual. After the Declaration of Independence, the southern, middle and some of the New England colonies moved rapidly to incorporate within their new State Constitutions, prohibitions against an established church and also to assure their citizens freedom of worship and of religious belief.

In 1786, the Virginia " Act for Establishing Religious Freedom, " written by Jefferson, introduced a new idea in the fight for separation of church and state. The 1776 declaration had merely freed the consciences but not the purses of citizens from levies of the state on behalf of religion and religious interests. The 1786 Act decreed that the state has no right to compel the citizens to support with money the propagation even of those religious opinions which he believes, much less those which he disbelieves. Thus Virginia achieved separation of church and state in advance of the enactment of the First Amendment to the Constitution of the United States. The First Congress of the United States which met only three years later, in 1789, was aware of colonial experience and the significance of Virginia's decision to insure complete separation, and it was with this knowledge that Congress drafted the First Amendment to the Constitution. The provisions of the First Amendment, in the drafting and adoption of which the Virginia standard bearers for complete religious freedom, Madison and Jefferson, played the leading roles, had the same objective and was intended to provide the same protection against governmental intrusion of religious liberty as the Virginia statute of 1786. The Amendment embraces the two American concepts of separation developed in Virginia, that of disestablishment and the restriction of religion to a private matter, removed from government recognition, control, and support. It was not hostility to religion as such, but unhappy experience that led the framers of the Amendment to believe that both state and church would benefit from the guarantee "that in matters of religion no man's right is abridged by the institution of civil society, and that religion is wholly exempt from its cognizance." (The *Memorial and Remonstrance* which Madison and others addressed to the Virginia Assembly in 1785, in successfully opposing a proposal to provide for teachers of the Christian religion out of state funds.)

In the light of the Virginia battles for complete separation of church and state, and the successful fight therefor achieved only after the fiercest of struggles, the First Amendment clearly was intended to assure: no federal establishment of any one church; no establishment of several or all churches by levying of a tax to be divided among them; in short, no law whatsoever looking toward the establishment or support of one, several, or multiple religions by the Government.

When the First Amendment was adopted, it applied exclusively to the federal government and did not bind the states. States remained free to maintain established churches and to impose other restrictions in religion upon their citizens. Not until decisions of the United States Supreme Court made the prohibitions of the First Amendment, through the agency of the Fourteenth Amendment, applicable to the states did its prohibitions bind the states.

The First Amendment provides, in its relevant part, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Of late, the meaning and intent of this amendment have become the subject of much learned debate. The controversy is confined to the meaning and intent of the "establishment of religion" clause. The crux of the debate lies in the question whether it does or does not prohibit equal government assistance to all religions or sects. It is agreed that the clause prohibits an established national or state church. Disagreement lodges in the question whether it enjoins impartial government aid to religion and in the impact of the answer thereto upon church-state relations in America, especially in regard to public education.

The fact that the First Amendment uses the singular "an establishment of religion" rather than the plural, possesses significance to some who argue for equal government assistance to all religions or sects. It is difficult to see the merit in this contention. It requires us to believe that it did occur to the authors of the amendment that the prohibition of public support to one church would be used as an argument on behalf of appropriations to any and all religious denominations. Assumedly, there can be little doubt as to the answer that Madison and Jefferson and their colleagues would have given to the suggestion that the state should subsidize churches in the plural in return for abandoning the practice in the singular.

The long held, widely accepted view, unanimously expressed by the Supreme Court of the United States in the *Everson* case and reaffirmed in the *McCollum* case is that the First Amendment prohibits the use of public funds and facilities in aid of any one or all religious institutions or interests. The opposing view, still advanced by many, despite the *Everson* and

McCollum interpretations of the First Amendment, is that it does not bar assistance to all religions or sects if the aid is equally distributed or apportioned, inasmuch as the prohibition is only against preferential aid to any one or several religions or sects. This concept of the First Amendment would limit it, in effect, to mere disestablishment and completely ignore the 1786 Virginia Act and its idea of prohibiting public support of religion. It endorses a truncated doctrine of separation of church and state which is in line with the old world conception of separation as disestablishment only but hardly in harmony with the American principle of separation.

An understanding of the true relationship of church and state in America - complete separation - is fundamental to a proper interpretation of the First Amendment. Disunion, it is true, is still far from complete and may never be achieved, but the principle stands. Nor is this governing conception derogated or diluted by apparent or real deviations therefrom, even though it may be difficult to reconcile the ideal of complete separation with familiar American folkways, such as the usual opening of legislatures with prayers, the use of chaplains in Congress and state legislatures at public expense, or with the granting of tax exemption to church properties, a practice which although universal in this country has been challenged in the courts on occasion, and has sometimes drawn judicial disapproval.

Nor is the doctrine of complete separation qualified by departures from the principle, such as the continuation of released time practices by local communities despite the *McCollum* holding, or the approval by the United States Supreme Court of the furnishing of free textbooks and transportation to parochial school pupils. These acts do constitute serious deviations from the traditional principle of complete separation, if not outright violations. But there are explanations. Precisely because education is locally and state controlled and administered it is possible for state and local agencies on occasion to engage with comparative immunity in questionable departures, if not outright illegal acts, until checked by court decision.

The decisions by the United States Supreme Court and by other courts permitting evasions of the doctrine are also explicable. Undoubtedly, the Supreme Court and other courts are tempted, and frequently are inclined, to condone specific violations because they appear to be trivial and do not seem to be substantial enough to endanger the fundamental principle of complete separation or the guaranty of religious freedom and liberty. It is significant that where the Supreme Court has upheld certain seeming violations, such as free textbooks to parochial school pupils and free transportation to such children, the court has reaffirmed and not denied or questioned the doctrine of separation but has found the case before it to present an act or practice consistent with the traditional doctrine and not one that is prohibited or in violation of it.

The intended relationship, complete separation of church and state, is itself enshrined in the First Amendment. However, its scope not only derives from the generating history behind the First Amendment, but also from experience subsequent to the introduction and adoption of the amendment, from the growing tradition of separation on both national and state levels after the Federal Constitution was adopted, from developments in constitutional law through judicial interpretation and analysis, and from the application of logic.

Since new problems in church-state relations have cropped up from time to time, particularly in this century, it is unthinkable, if not naive, to search for the scope of the First Amendment only in its legislative history and wording, as some demand. Those who insist upon this rigid interpretation and application of the amendment, and condemn the flexible construction as an invalid doctrine of evolution, would consider only what happened before but not since the adoption of the First Amendment. Moreover, if this narrow inquiry were to disclose that the sponsors of the First Amendment and those who voted for its adoption, merely intended to cut off an established church but did not have in mind outlawing government aid to all religions or sects,—(which in view of the Virginia battle for complete separation is not the fact)—the application of the amendment today would necessarily be likewise restricted by them, independent of the later development of the tradition of complete separation.

The advocates of the narrow view are in grave error in contending that their suggested rigidity represents the American constitutional system. For the Constitution is a living, growing organism, constantly in flux, to meet changing conditions and new problems. It is made up not only of the wording of the Constitution and the various amendments and the history behind them, but of statutes, judicial decisions, and traditions and customs which over the course of years have acquired the strength of law, even though not formally imbedded in any written documents. It must be remembered that the First Amendment, like most other parts of the Constitution, is couched in general terms, leaving the specific applications to be worked out. The framers had the good sense not to endeavor to anticipate every need or provide for every eventuality. They left it to Congress and the courts to supplement and implement much that was left inchoate in the Constitution itself. Great scope was left for development of the underlying principle of the

First Amendment. The development has taken place on both national and state echelons.

On the national plane, the elaboration of the concept of separation is to be found in decisions and opinions of the Supreme Court of the United States, federal laws and enactments, and in history and cumulative experience before and since adoption of the First Amendment. On the state level, one must consider state constitutions, implementary statutes and judicial decisions, and local and state experience. Working together, these two dynamic sources have built a solid tradition of complete separation of church and state.

The growth of this American tradition is seen in wide and varied developments since adoption of the Federal Constitution in 1788. The dominant spirit in the century after adoption of the Constitution was in the direction of complete separation. Soon after the adoption of the First Amendment, some states following its clear intent proceeded to erect a wall between church and state, by forbidding without equivocation any form of public support to religious organizations, in addition to prohibiting an established church. Other states were at first less specific in their delineation of the relationship and went only so far as to impose a condition of neutrality as between religious denominations. All soon prohibited an establishment of religion and assured freedom of worship and of religious belief.

The dominant spirit was reflected in Congressional action in connection with the admission of new states to the union. The Ordinance of 1787 passed by Congress under the Articles of Confederation for the government of the Northwest Territory, even before the Constitution came into being, and continued in force by the first Congress under the Constitution stipulated that religious liberty should prevail throughout the region. The five states carved out of this region, upon their admission to statehood, continued the guaranty of religious rights in their own constitutions which superseded the Ordinance. Texas, during the time of the existence of the Republic of Texas, did away with the state church in existence when Texas belonged to Mexico, and assured religious liberty to all. As the west opened up and territories aspired to statehood, Congress imposed the requirements of religious liberty upon new states through a provision in the federal compacts admitting the new states. The constitutions of states formed after the Civil War were required to specify by an irrevocable ordinance that, "...perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship." Moreover, Congress required of nine of the ten states last admitted as a condition of admittance an irrevocable ordinance that the state constitution shall provide "for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and free from sectarian control."

While new states were incorporating the guaranty of religious liberty required by Congress as a condition for admission to statehood, the older states in the meantime were amending their constitutions with similar provisions. By the end of the century nearly all states so provided. Today, all state constitutions guarantee religious liberty. Likewise, the religious liberty of residents in territorial possessions of the United States has been guaranteed by provisions in treaties made with the countries from which they were obtained. Religious tests for office holding were retained longer than the state churches and even today several states still prescribe some such qualifications, although their legality is dubious in view of the Fourteenth Amendment.

Practically all states prohibit the use of tax revenues or public funds for sectarian purposes or institutions. Before the Civil War, few states specifically barred the use of public moneys for sectarian education. After the Civil War and by the last quarter of the nineteenth century, most of the states adopted constitutional provisions containing such prohibitions. There were also added constitutional provisions that school funds shall be kept inviolate and used only for school purposes, and direct and specific prohibitions against the diversion of public moneys for sectarian education. Nearly all of these constitutional provisions have been reinforced by identical language in state statutes and frequently have been implemented by other statutory enactments as well as by judicial authorities and rulings of state attorneys general.

The District of Columbia and all of the states except Maine, New Hampshire and Vermont have constitutional or statutory provisions or both against the use of public funds in aid or support of religious sects, or institutions for instruction or sectarian purposes. Fourteen states specifically prohibit the use of sectarian books in the public schools. Nineteen states specifically prohibit sectarian instruction in the public schools. The constitutions of thirty-six states provide that no preference shall be given by law to any religious sect, denomination or mode of worship; those of thirty states that no one shall be compelled to attend or support any place of worship or any ministry, and of forty-three states that the civil rights, privileges and capacities of citizens shall not be denied or affected in any manner on account of their religious beliefs or opinions concerning religion.

It is plain from the developments noted on the national and state levels that by the last quarter of the nineteenth century, America had evolved a much more comprehensive conception of separation than

obtained when the First Amendment was adopted. It is no doubt true that the people considered the states as well as the Federal government to be governed by the widened doctrine, by then already an established tradition. This is well illustrated by the result of the 1875 move to amend the Constitution in regard to separation of church and state. In 1875, President Grant urged an amendment to the Constitution to insure national application of the prohibition against the teaching of religious tenets in public schools and the use of public funds for any religious sect or denomination, but as Justice Frankfurter points out in the *McCollum* case, Congress failed to approve this amendment primarily because it assumed that state action had already insured the establishment of the principle which the amendment sought to guarantee.

In 1868, the Fourteenth Amendment was added to the Constitution of the United States and it led to the transformation of problems arising under the First Amendment from state questions to federal ones. The Fourteenth Amendment provides in its pertinent part, that no state shall "deprive any person of life, liberty or property, without due process of law." In making concrete the "liberty" which a state may not deprive any person, the Supreme Court of the United States has drawn upon the sacred freedoms protected against federal action by the First Amendment. Prior to the *Everson* case and starting about 1925, the court included the rights of free speech, free press, peaceable assembly, and the free exercise of religion among those protected against state as well as federal interference or denial. Then finally, in the *Everson* case, decided in 1947, the court unanimously agreed that neither a state nor the federal government may establish or assist any religion, in the singular, or establish or assist several or more religions, in the plural. This extension of the Fourteenth Amendment to the establishment of religion clause was reaffirmed and applied in the *McCollum* case. The addition of this prohibition to the fundamental liberties now flatly protected by the First and Fourteenth Amendments is logical and inevitable, despite the fact that on a mere reading the clause refers to relationships between state and church, not to personal rights. The inclusion of the establishment of religion clause squares with internal and external evidence. The position of the clause as first in the First Amendment and its complementary relation to the free exercise of religion clause, suggest no reason for regarding it as separate or different from or less fundamental than the other freedoms guaranteed by the amendment. Furthermore, it is the lesson of experience that religious liberty and separation of church and state are interdependent, that to have true religious freedom the individual must be guaranteed both, and that an assurance of complete religious freedom and the free exercise of religion would be less meaningful if it did not include the guaranty of separation of church and state. With the *McCollum* and *Everson* decisions, the ideal of complete separation is now nearer realization in both federal and state realms.

The First Amendment is a venture in solving the claims and needs of church and state on a scale without historical precedent or duplication. The United States has stood forth as a government deliberately depriving itself of all legislative control over religious belief and conviction and refusing to sectaries any jurisdiction in state prerogatives. The adjustment worked out in America, and in America alone, is a successful solution of the problem of the relation of the state to religious groups, in a democratic society. Protection is given to the religious freedom of persons of different nationalities, languages, traditions, religions, and creeds. The law knows no orthodoxy or heresy, and is committed to the support of no dogma, the establishment of no sect. The principle of majority rule does not obtain in matters of religion or of the other basic rights guaranteed in the Bill of Rights. Each person is secured his right of belief or disbelief. Religion is a purely personal matter with complete freedom of belief and association. The American doctrine of separation abolishes any possible organic connection or formal interrelation between church and state and guarantees not merely religious toleration but religious liberty and the free exercise thereof to all, as a right.

The First Amendment not only forbids the establishment of a national or state religion or church but also demands the restriction of religion to the domain of a private concern, to be sustained on its own. Separation of church and state in America thus goes farther than mere disestablishment. Were it not so, there would be nothing distinctive to this uniquely American doctrine. The old world knew the concept in its abbreviated form of disestablishment but did not know complete separation of church and state. The part of the doctrine that is new and peculiarly new-world is the restriction of religion to a private matter. This is the distinctive American contribution to the doctrine. It takes religion out of the sphere of public control and maintenance and makes of it a voluntary activity to be supported on its own. Religious institutions thereby become private organizations dependent for their support solely upon private contributions. The use of public aid to any or all religious faiths or sects is prohibited. This second part of the principle of separation means, in the field of public education, that public funds and public pressure cannot be used or exerted in behalf of sectarian interests. It is this comprehensive doctrine of complete separation of church and state with all of its implications, that was adopted and reaffirmed by the Supreme Court of the United States in the *McCollum* case.

THE McCOLLUM CASE. THE EVERSON CASE.

On March 8, 1948, the United States Supreme Court handed down its land-mark decision in the *McCollum* case. The court ruled, by 8-1 vote, that the Champaign system of released time religious instruction, conducted within the public school buildings under public school auspices, was a violation of the constitutional principle of separation of church and state, as declared in the First Amendment and made applicable to the states by the Fourteenth. It therefore held that the Illinois court below had erred in refusing relief to the complainant, a parent and taxpayer, against the continued use of school buildings for such religious instruction.

In reaching its conclusion, the court adopted and applied the American concept of separation. The proper interpretation of the doctrine was not so much debated as assumed by common consent. The meaning and content of the First Amendment had already been spelled out by the very same justices in the *Everson* case, decided within the year. In the *Everson* case, a sharply divided court—(5-4)—had held that the state of New Jersey could reimburse parents for the expense of transporting their children to and from parochial schools, without violating the First and Fourteenth Amendments. The majority considered the case to present a borderline situation, but viewed the religious issue posed as subordinate to the welfare aspect of the state legislation. The minority found the religious issue under the establishment of religion clause controlling and concluded that the state aid indirectly conferred upon religious institutions by the legislation under review was precisely the type of measure condemned by the First Amendment. Both the majority and minority, although disagreeing on the facts and as to the application of the First Amendment to the facts, nevertheless agreed that the correct interpretation of the Amendment is that it erected a wall of separation between church and state which bars public assistance to any one or all religions or sects and that the prohibitions of the First Amendment are made binding upon the states under the Fourteenth Amendment.

In the *Everson* and *McCollum* cases, the issue of the extent of government aid which may be afforded religious institutions and interests under constitutional limitations was squarely before the Supreme Court in its true aspect, as a religious issue under the First Amendment. Previous cases, arising under state constitutional prohibitions against the use of public funds for sectarian purposes, had presented the issue in terms of property. The only federal question raised was the due process one of appropriating property from some private persons for the benefit of others. Treating the religious issue as decisive, on the other hand, invokes a new restraint upon government aid and pressure in behalf of religious institutions. It necessitates an inquiry into the scope of the establishment of religion clause. There was no such judicial analysis of this clause before the *Everson* and *McCollum* cases. Unlike the free exercise of religion clause, which has been litigated extensively and in recent years, as noted previously, had been applied to the states through the due process clause of the Fourteenth Amendment, the obverse problem raised by the establishment of religion clause has been rarely presented and in the *Everson* and *McCollum* cases was before the Supreme Court for the only times in reference to a state.

The *McCollum* decision, along with the *Everson* case, now makes the precise intent of the framers of the First Amendment to be mainly of historical interest. The Supreme Court has studied the problem of historical origin and has pronounced a view which it holds to be compatible with both the historic past and the living doctrine. Here is the meaning and scope given to the establishment of religion clause of the First Amendment by the court in the *Everson* case, and reaffirmed in the *McCollum* case:

> Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or for professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect " a wall of separation between Church and State".

In the *McCollum* case, counsel for the Champaign board of education argued that historically the First Amendment was intended to forbid only government preference of one religion over another, not an impartial government assistance to all religions, and that the Fourteenth Amendment did not make the establishment of religion clause applicable as a prohibition against the states. After giving full consideration to these arguments, the Court rejected them. Justice Black, speaking for the majority justices, expressly reiterated the principle of the *Everson* case that a state cannot pass laws which "aid all religions" and ruled the Champaign system unconstitu-

tional because operation of the states' compulsory education machinery assists and is integrated with the program of religious instruction carried on by separate religious sects and that the state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their teachings.

The conclusion of the court was supported in an instructive, separate, concurring opinion by Justice Frankfurter in which the historic backgrounds of the American doctrine of separation of church and state and of arrangements for religious instruction in the public schools or under public school auspices were comprehensively considered. Justice Jackson, in an additional separate opinion, although agreeing with the result, expressed doubt as to the standing of the complainant, an avowed atheist, to raise the question at issue, and also felt that the relief granted prohibiting all religious instruction in the public schools was too broad and indefinite.

UNRESOLVED QUESTIONS.

It was hoped that the *McCollum* decision would end the bitter controversy over the First Amendment and the scope of the doctrine of separation of church and state. Unfortunately, it has become only the starting point for an even more acrimonious dispute. Few, if any, judicial pronouncements in this century have caused quite the debate unloosed by the *McCollum* decision. Specifically, the chief unresolved questions are: 1) whether released-time religious instruction conducted outside the public school buildings and off the school grounds is illegal and, 2) whether federal aid to education would be illegal if extended to sectarian institutions. Collateral to these main inquiries is the question whether the *McCollum* decision is anti-religious in its nature, and whether it endorses atheism, as has been charged. There is also a further problem raised by the decision, namely: whether government support or aid to religion tends to result in government supervision or control.

There is a great deal of confusion in regard to the scope and implications of the decision. They have been caused, in part, by the language of the separate concurring opinions of Justices Frankfurter and Jackson and by the dissent of Justice Reed. Even though Justices Frankfurter and Jackson concurred in the majority opinion, these two judges nevertheless show a polarity of views and reasoning in their separate opinions much more indicative of underlying disagreement than of agreement and they create, as a consequence, uncertainty as to the range and extent of the holding. Further perplexity over the implication of the decision has arisen because of the host of unofficial statements made regarding its applicability to specific practices in the field of education not before the court in the case, and because of the many official pronouncements by local school boards, municipal and state officials nearly always to the effect that the released time systems in their own jurisdictions do not fall under the ban of the *McCollum* ruling The confusion has been deepened of late by differing decisions of a Missouri and of a New York court. In the Missouri case, the court barred continuance of the St. Louis system of released time, which differed from the Champaign system in that classes in religious instruction were not held in school buildings, while in the New York case the court upheld a similar released time system as not violating the rule laid down in the *McCollum* case.

What are the implications of the *McCollum* decision? These seem to be clear to students of the entire question:

1) It closes the door finally upon all attempts to secure federal and state funds in support of sectarian schools. The clear-cut statement in the majority opinion to the effect that government assistance of a financial character to any or all religions "falls squarely under the ban of the First Amendment (made applicable to the states by the Fourteenth)" appears to spell the defeat constitutionally of any efforts on behalf of federal and state aid for sectarian schools. Besides, the decision brings into question the provisions of the recent Congressional bill which authorized the Federal Works Agency to provide educational facilities, other than housing, to non-public educational institutions and the practice of furnishing buildings, equipment and facilities to these same institutions out of federal surplus stock, and similar types of legislation.

2) From criteria developed by the majority, particularly in the separate concurring opinion of Justice Frankfurter, which was joined in by Justices Jackson, Burton and Rutledge, it is likewise clear that any and all programs of religious instruction on released-time which utilize public school machinery to secure enrollments and maintain attendance, fall under the constitutional ban. They point out that, even more important than any possible financial assistance which may be rendered through the use of personnel in insuring enrollments and regular attendance upon religious classes, such programs of released-time unconstitutionally bring pressure to bear upon children. Justice Frankfurter and the other justices concurring in his opinion specifically forbid situations in which the school brings "obvious pressure upon children to attend" sectarian classes, or in which "a feeling of separatism" is created in children belonging to non-participating sects. They reject any situation that "furthers inculcation in the religious tenets of some faith, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care" or that

create conditions such that children "will have religious instruction in a faith which is not that of their parents."

Hesitating, perhaps, to ban all programs of released-time in the abstract, Justice Frankfurter seems to suggest that a possible legitimate method of cooperation between public schools and church groups is "dismissed time"; under such a system, all children are dismissed at a given hour (the school-day perhaps being shortened for this purpose) in order that parents, rather than school authorities, can cooperate with religious groups in the maintenance and conduct of classes in religious education. This method may avoid all of the evils which seem inevitably associated with "released time" classes whether conducted inside or outside school buildings. In regard to released time, it is to be noted that there is no record of participation anywhere in the United States by religious groups other than those teaching Protestantism, Catholicism, and Judaism. Certainly dismissed time avoids using the "momentum of the whole school atmosphere and school planning"... "precisely in order to secure for the religious instruction such momentum and planning." It may also avoid affording "sectarian groups", the unconstitutional "invaluable aid" the majority opinion found present in the Champaign system, which was accomplished by helping "to provide pupils for their religious classes through the use of the state's compulsory public school machinery."

The above interpretation of the decision of the court would seem to be confirmed by the lone dissenting voice of Justice Reed who states:

> ...I conclude that their teachings are "(that is, the teachings of the Justices)" that any use of a pupil's school time whether that use is on or off the school grounds, with the necessary school regulations to facilitate attendance, falls under the ban.

He deduces from the holding and the language of the opinions "that religious instruction of public school children during school hours is prohibited." Justice Reed grounded his dissent on the premise that the Champaign released time system did not involve either an establishment of religion or aid to religion by the agencies of the state of Illinois, sufficient to justify the court in interfering with local legislation or custom.

3) The *McCollum* decision is in the interests of religion and not opposed to it. Solely because Mrs. McCollum, the complainant, was a professed atheist, some sincere people assume erroneously that the Supreme Court was giving aid and comfort to anti-religion in its decision. But this is the reverse of the truth. To support the doctrine of separation is not to advocate irreligion but to maintain institutionally a separation of functions the fusion of which has usually if not invariably destroyed the usefulness of both church and state. The men who wrote the First Amendment were, and the members of the Supreme Court today are, the friends and not the enemies of religious conviction. Madison, Jefferson and their colleagues were resolved to write into the Constitution the indispensable conditions of religious freedom. They knew, from tragic experience, that many church groups claim for themselves a monopoly of religious truth and that in a conflict between absolutists there can be neither peace nor freedom. Consequently they resolved to remove sectarian doctrines completely from the sphere of governmental control, regulation, and maintenance and to conceive of religious conviction as a private concern and of church groups as private organizations. The historical truth was only too painfully clear to them that exclusive aid to one religious group means religious oppression toward others and that aid to some or all means at least an unholy scramble for priority in government favor which may eventually result in the supremacy of one, and will undoubtedly be divisive in any case. Thus the denial of apparent advantage, financial or otherwise, to any one or all religions and religious interests, is really for the protection of the free existence of those groups and their ideas, within a democratic framework. Moreover, the lesson of history seems to teach that government subsidy of religion or religious interests tends to result in government control, regulation and interference. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it directly, and, contrary-wise, a public affair when it comes to taxing citizens of one faith to aid another or those of no faith to aid all.

The *McCollum* decision therefore merely reaffirms our traditional policy that religious institutions cannot use the resources which belong to all the people for the purpose of inculcating sectarian doctrines. In addition it guarantees children the right to attend the public school free from religious coercion. Once a child crosses the threshold of the public school he is protected from the injurious consequences of separatism and he enters upon what Justice Frankfurter terms "a training ground for habits of community." "The claims of religion," states the Justice, "were not minimized by refusing to make the public schools agencies for their assertion. The non-sectarian or secular public school was the means of reconciling freedom in general with religious freedom."

To Americans, as the same justice remarked: "The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the state is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart."

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NEW THREATS TO THE PRINCIPLE OF SEPARATION

by JOHN L. CHILDS

In this article[1] are set forth first some of the basic principles governing the relation of Church and State to education in the United States. Then the threats to these established principles are presented in a clear and concise manner. From this analysis it becomes clear that the struggle to maintain the non-sectarian public school in America is now well underway. The outcome will affect not only the public school but the whole pattern of American Society. The issue now is whether this society shall remain integrated or be broken into warring sectarian camps. The author is Professor of Education, Teachers College, Columbia, University.

It is important for Americans to recognize that our democratic tradition in and of itself cannot preserve our basic freedoms. These freedoms can be preserved only as we continue to re-enact them in the midst of changing life conditions, and to defend them against those who because of private or institutional interest are moved to destroy them. But though our democratic tradition cannot automatically renew itself, it is an important resource in this period of revolutionary change and transition. It can help us to define our fundamental values and to develop the public opinion required to maintain them. A moral tradition is a very real form of social power.

Fortunately, we have a fine tradition in the sphere of the relation of church and state to education. I shall enumerate three of its most basic essentials.

THREE BASIC RIGHTS

The first is the right of religious freedom with its corollary principle of the separation of church and state. This freedom includes not merely the right to choose among various religious views, but also the right to reject all of them if conscience so dictates. Hence in our country neither citizenship nor the right to hold any position in the government has any religious qualification whatever. This freedom finds its more authoritative expression in the first article of the Bill of Rights, which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." According to Charles Beard in *The Republic,* this provision means that "religion is a private matter" in the sense that "the promotion of religion" is not a proper function of the institutions of the state. Educators have taken this to mean that the promotion of religion is not a responsibility of the public school.

The second feature of our tradition is recognition of the right of private groups to undertake education, and the refusal to make the nurture of the young a monopoly of the state. In 1925, the Supreme Court declared unconstitutional a law passed by the Oregon legislature which made attendance at public schools compulsory for all children of elementary school age. In this historic decision, the court sought to take account of both the needs of the civil community and the religious convictions of minority groups. It ruled that "the fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." The decision declared that it is the duty of the state to inspect all schools, private as well as public, and to see that they meet the minimum requirements for education in a democracy, but it did not grant the state the right to compel children to attend a public school if this were repugnant to the conscience of their parents.

The third basic element in our tradition is the refusal to permit public or tax funds to be used for the support of churches or sectarian schools. This prohibition is implicit in the first amendment to the Constitution, but it has also been given explicit formulation in the constitutions of thirty-eight states. The following article from the constitution of the state of Illinois is representative:

> Neither the legislature nor any county, city, town, township, school district, or other public corporation shall ever make any appropriation, or pay from any public funds or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or to help support or assist any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church, sectarian, or religious denomination;

[1] This article originally appeared in *The Christian Century,* April 28, 1948. Thanks are due to *The Christian Century* for permission to reproduce the article.

> nor shall grant nor donation of land, money or other personal property ever be made by the state, or any such public corporation, to any church for any sectarian or religious purpose.

Taken together, these three primary elements in our tradition erect a very substantial wall between church and state, and between state and religious school, while at the same time they provide due latitude for the religious convictions of minorities.

NEW CHALLENGES SOUNDED

Twenty-five years ago, many believed that these problems of church and state in American education had been finally resolved. But today these basic principles are under attack. On the one hand, it is asserted that they do not mean, and were never intended to mean, what these plain formulations in constitutions and Supreme Court decisions seem to say that they mean. On the other, it is held that the principles themselves are unsound—that their actual operation in the educational program of our country has bred a secularism which has impaired our democratic way of life, and that they also work serious injustice to great groups of citizens since they deprive them of rights accorded to others, and thus turn them into "second-class citizens."

Consider, for example, the manner in which the principle of religious freedom and separation of church and state is now being construed. Eminent Roman Catholic leaders affirm this principle, but they contend that there is nothing in it that in any way bars the federal government from giving public funds to the various churches and their educational institutions. The real meaning of the principle of separation, they assert, is that no one church shall be favored or established—at least not until such time as their own "true and universal church" has achieved a dominant position and gained the power to organize the state in accordance with its principles. Meantime, they declare, it is no violation of the existing principle of separation to appropriate moneys for church schools. As precedent for such legislation they point to the fact that the government has long held religious institutions exempt from taxation.

PROTESTANTS TOO

Certain Protestant leaders also challenge the traditional meaning given to the principle of religious freedom. They argue that this doctrine was never intended to prohibit state-supported schools from nurturing a positive religious outlook in the country's children: its purpose was simply to prevent the public schools from operating as "sectarian" agencies. Indeed, America is committed by the democratic pattern of its national life to religion, because a democracy is grounded in the principle of respect for every human person, and this democratic morality can prosper only if it is supported by cosmic or religious sanctions. F. Ernest Johnson, a secretary of the Federal Council of Churches, has been one of the ablest Protestant exponents of this view. He affirms:

> In the final analysis our secular culture can give no adequate support to the democratic ideal. . . our culture is bound up with the quality of our public education; its secular character—the absence of a religious orientation in our common life—gives it a tendency toward disintegration. . . . the divorcement between religion and education is the most basic defect in American life, the correction of which may be reasonably expected to do more than anything else to overcome the sickness of a secularist society.
>
> I do not believe that the separation of church and state is necessarily involved in this issue. Sectarian religious instruction is barred in our schools and I think it should be. . . I believe that the American people as a whole are dissatisfied with the results of an educational system which does not consistently foster a mood of reverence, does not accept responsibility for making boys and girls familiar with our major classic, the English Bible, does not teach the significance in human history of that most elemental of all man's group activities, which we call worship; that they are dissatisfied with a system that undertakes, quite properly, to make the educative process continuous with the life of the community—and therefore puts into the curriculum industry, labor, civics, art, social welfare and the like—and then halts this process abruptly at the church door.

Dr. Johnson would have the public schools lay "a foundation in knowledge, interest, outlook, and mood upon which organized religion can build in its own chosen way." He does not make clear how this religious "foundation" is to be laid without involving the schools in disruptive sectarian controversies, nor does he indicate what religious tests are to be applied to teachers in public schools in order to assure that their teaching will develop the desired positive religious "outlook" and "moods" in the young. Although Dr. Johnson holds that the separation of church and state is not involved in his allegedly "non-sectarian" proposal, many believe that little would remain of the historic American wall between church and state were his recommendations to be made an official part of our public educational policy.

ASTONISHING INTERPRETATIONS

The decision of the Supreme Court holding that the state cannot compel parents to send their children

to a public school is now being given new and astonishing interpretations. This decision has been favorably cited in the papal encyclical, "The Christian Education of Youth." The leaders of the Roman Church have done their best to mold a "conscience" on this issue, for they have made it clear that the church expects Catholic parents to send their children to parochial schools wherever possible. The Supreme Court's ruling that parents have the right to send their children to private religious schools is also being construed by some to mean that the federal government has an obligation to make this legal right an effectual right; in other words, that the government must provide the material means required to support the system of parochial schools, so that they may be equipped to educate the young who come to them. Thus in a 1945 hearing of the Senate on S. 717, a bill to provide federal aid for the support of education, the chairman of the American Federation of Labor's committee on education stated:

> The child in these (religious) schools has the right to attend. And that right, as has already been pointed out, involves not only a legal permission but a legal assurance that the right shall be enjoyed. The enjoyment of the right implies a degree of economic support. To assure each child's right to an education the federal government is thoroughly justified in making funds available for the use of that child. Aid toward the payment of the educational service rendered through the instruction of this group of children is a justifiable service for children and should be federally aided, along with other services given the children by our government.

The American Federation of Teachers, an affiliate of the American Federation of Labor, quickly perceived the far-reaching implications of this novel interpretation of the Oregon decision. In their convention held last August at Boston, these views of the education committee of the American Federation of Labor were subjected to extended discussion and finally rejected. The following two principles were included in the report on federal aid adopted at the convention and published in the *American Teacher* for October 1947. A number of Catholic teachers voted for the report.

> In the development of educational policies, organized labor and other progressive forces should urge each state to give due weight to the basic principle that the interests of the democratic community are best served where children of all component groups of American society are enrolled in a common public school. As they live, work and play together under democratic conditions, they learn, feel and think the ways of democracy; they develop that body of sentiments, loyalties and disciplines that knits the national fabric and perpetuates a common and harmonious way of life.
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> On the other hand, the right of parents, for religious or other reasons, to send their children to acceptable and adequate non-public schools, is fully recognized. This recognition of the legitimate existence of non-public schools carries no obligation for government to provide funds to maintain them; nor does it free government from the responsibility of maintaining the welfare of children, who are enrolled in such schools, on the same level as that of all children.

An effort is now also being made to evade the provision in the various state consititutions which prohibits the use of tax funds for church schools. The bill on federal aid to education mentioned above was skillfully drawn to achieve this end. It provided for the appointment of a federal trustee to serve in the place of the state educational authority in all states where the latter was prohibited from distributing tax funds to religious schools. It declared:

> In each state which informs the national board that it is prohibited from disbursing to non-public schools funds appropriated pursuant to this act, the national board shall appoint, from not less than three persons nominated by the governor of such state, a trustee who shall have the duty of receiving and disbursing the portion of funds allocable to such state which the national board determines shall be disbursed to non-public schools. In making such determination the board shall take into consideration the extent to which the burden of educational needs of the state are borne by non-public schools.

In this connection it is important to note that one of the most distinctive features of the American school system is that it has made education a function of the states and the local school districts, not of the federal government. The aim has been to put the education of children, so far as possible, under the direct supervision of their own parents. Indeed, the Supreme Court declared the Oregon law unconstitutional because it failed to give due consideration to the preferences of parents in the education of their children. But this bill planned to use the power of the federal government to set aside the educational provisions in the constitutions of thirty-eight states.

SEPARATION IS LIBERTY!

William E. McManus, associate director of the National Catholic Welfare Conference, appeared on behalf of this bill at the Senate hearing. He said that "several times the department of education of the National Catholic Welfare Conference has appeared before congressional committees in opposition to

measures providing federal aid to education." But it was now able to support federal aid, because "this bill recognizes that public and non-public schools are equally important in the educational system of the United States" and, furthermore, "in making disbursements of funds the national board of apportionment is instructed to consider the extent to which the burden of the educational needs of the state is borne by the non-public schools." In other words, the price of the support of the National Catholic Welfare Conference for a federal bill to equalize educational opportunity among the various states is apparently the abandonment of the historic principle of separation of church and state.

One wonders whether American Catholics, from the standpoint of their own interests, are wise in seeking to provide for the entire education of their children, from kindergarten to university, in separate parochial schools. This complete segregation in education may have far-reaching results. It might in time spread to other spheres, so that we shall have not only a special Catholic educational system but Catholic trade unions and Catholic political parties, as is the case in certain European countries. Many Catholic laymen are disturbed by these tendencies, for they do not want to see the historic unity of the American people disrupted by isolationist religious practices. It is to be hoped that their influence will be felt in the development of the future policies of their church.

But this is in no sense a problem for Catholics alone. It is a problem for the whole American people. The thing at stake is the future of American culture. The recent decision of the Supreme Court on the use of public schools for religious instruction indicates that the court is awakening to the meaning of these actions that tend to undermine the separation of church and state in our country. The ultimate decision will, of course, not be made by educators. It will be made as the will of the American people is clarified and defined through public discussion, political action and legislation. Now as always, vigilance is the price of liberty. ✦ ✦ ✦

HOW SECTARIAN SCHOOLS RECEIVE PUBLIC AID

by **THOMAS E. BENNER**

It is well to know what aid is now being given to sectarian schools by the public. This information is essential if the teaching profession is to think intelligently about the issues involved in the struggle to maintain a free, non-sectarian school system. The author is Professor of Education, University of Illinois.

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What is the nature of present state support of sectarian schools or their pupils in the United States? What do the state and federal courts say about such support? What position with regard to the relations of church and state in educational matters would seem to result from belief in a free, self-governing society?

HOW SECTARIAN SCHOOLS ARE AIDED BY STATES

It is of interest to review some of the ways in which sectarian schools or their pupils are given direct or indirect financial aid by the state or its local agents. The practices enumerated below include those which would be almost universally approved as well as those which would be widely condemned as undesirable.

Exemption from taxation. Sectarian schools are customarily assisted by the state through exemption from taxation.

Attendance services. Compulsory attendance laws require the attendance of children of specified ages on approved schools. Thus public local attendance officers require children to attend sectarian schools, if the parents have indicated preference for such schools. The modern attendance officer is fundamentally a welfare worker. He is interested in solving the social, economic, and psychological problems which interfere with good school attendance. For the sectarian schools and their pupils the attendance officer performs essentially the same welfare services which he gives to the public schools.

Inspectorial services. Various inspectorial services are commonly provided by state and local authorities. Boilers, fire escapes and sanitary facilities are regularly checked. Certain aspects of the educatitonal program may be similarly inspected. But inspection, in modern practice, has expanded to include advisory functions and has taken on a more constructive pattern. Thus public inspectors advise and assist sectarian schools in the solution of their problems.

Lunch programs. School lunch programs, supported or assisted by public funds, are commonly found in sectarian, just as in public schools.

Transportation. In a number of states and in many communities pupils attending sectarian schools travel at public expense.

Guidance and other services. Guidance, recreational, medical, dental and other clinical services provided with public funds for children in the public schools are also made available in some communities to children in sectarian schools.

Text-books. In at least one state and in some communities free text books, purchased with public funds, are provided for children attending sectarian schools.

Religious instruction on released time. In spite of the recent clear and emphatic declaration of the U. S. Supreme Court that the practice is unconstitutional, many public schools continue to use their power as state agencies to bring about the attendance of children at sectarian religious classes. It is a common characteristic of many such programs that the child who does not conform is subjected to the pressure of his peers as well as of members of the school staff,—a pressure which not infrequently amounts to actual persecution when his non-participation for whatever reason or when his membership in a minority group are publicized by virtue of the program.

Sectarian operation of the public schools. There are many public schools whose teachers are members of sectarian religious orders, selected and assigned by sectarian religious authorities, their contracts written by the employing public school board only as confirmation of appointments already made. In many of these, as well as some other, public schools, sectarian religious symbols are conspicuously displayed on the walls of classrooms, sectarian religious text books are used by all pupils, and sectarian religious instruction is carried on during school hours. Some of these public schools are conducted in buildings owned or donated by sectarian religious groups.

POSITION OF THE COURTS

The position of the courts with regard to state and local assistance to sectarian schools or their pupils from public funds cannot be adequately reviewed within the limits of this article. Only a few major points can be indicated.

In general, the courts have approved the exemption of sectarian schools from taxation and the extension of attendance, inspectorial, and other welfare services to the children attending these schools. The U. S. Supreme Court, for example, has declared that "the First Amendment has erected a wall between church and state[1]", but that to provide at public expense free transportation and free text books, not sectarian in nature, to children attending sectarian schools does not breach that wall.

[1]Cochran, et. al., vs. Louisiana State Board of education et. al. (1930).

On the other hand, the U. S. Supreme Court in the Champaign, Illinois, case declared that public authority could not be used directly or indirectly to influence or require the attendance of children at sectarian religious classes and that public funds could not be used for the support or assistance of such classes.[2]

An opinion of the Indiana Supreme Court[3] has declared, however, that a public school need not be held to be sectarian merely because taught in a building rented from the church, by members of a religious order wearing their religious garb, and with religious symbols conspicuously displayed on the walls of the classrooms. The court justified its ruling on the grounds that the teachers were certificated by the state, followed a course of study prescribed by the local public school board, were under the direction and supervision of the local superintendent of schools and were teaching in space which was under the control of the local board of education.

Evidently those who believe in the separation of church and state in the conduct of public and private sectarian schools cannot assume that their position is adequately protected by constitutional provisions as interpreted by the courts. Worse, many willful violations of the principle of separation in hundreds of communities where its importance is either not recognized or not respected never come to the attention of the courts.

The public understands that state and national legislation tend to follow public opinion. But the public does not as commonly recognize that the courts are also sensitive to the will of the people. The wall erected between church and state by the constitution of the United States will slowly crumble unless public opinion demands that it be adequately maintained.

BASIC FREEDOMS ARE AT STAKE

Throughout recorded history few religious sects have ever approved, except as a temporary expedient, of freedom of worship, freedom of speech or freedom of the press. Most of the apparent exceptions have come when a minority sect has espoused these freedoms in protest against domination by more powerful sects. Conversely it may be said that history records no state which has not tried to make the church subservient to secular political ambitions, given the means to do so.

This lesson of history was vividly in the minds of the people of the United States in the early days of the struggling new republic. All about them a battle against freedom of worship, freedom of speech, and freedom of the press was being waged. With clear

[2]The People ex. rel. Vashti McCollum, Appellant, v. Board of Education of School District No. 71, Appellee. November, 1946.
[3]State ex. rel. Johnson v. Boyd 28 N. E. (2d) 256. January, 28, 1940.

understanding of what they were doing and why, they wrote into the bill of rights a statement of the freedoms they wished to protect. This statement began with a direct injunction against that fusion of church and state which they recognized clearly for what it is: a threat equally to the free state and to the free church.

Since 1791 when the bill of rights became effective, state and church in the United States have lived in such security from the common dangers of an earlier day that each has tended to forget that these dangers ever existed or that with neglect they could easily come again. One hundred and fifty years of forgetting have produced a generation which does not understand the vulnerability of its cherished freedoms.

It is obvious that the church must be primarily concerned with education for membership in the church. Education for church citizenship emphasizes submission to the doctrine and discipline of a single sect.

Education for membership in a free, self-governing state, on the other hand, emphasizes that its citizens must be responsible freemen who can remain free only if they associate themselves with other freemen of differing religious faiths and differing political emphases in the development, maintenance and improvement of the free institutions of a free society.

Both types of citizenship have their place in the world. Only the free state can be safely intrusted to prepare Protestants, Catholics, Jews, Mohammedans and unbelievers to cooperate in the building of free institutions. And only the church can be safely intrusted to teach its doctrines and to prepare its followers to accept its discipline. This is the issue which underlies the entire question of public support of sectarian schools. It is the reason why no taint of state support of sectarian education can safely be permitted by either church or state.

This implies that the free, self-governing state should control education for citizenship in the state in fact as well as in name, and that this effective control should apply equally in public and private schools, whether secular or sectarian. Both legislative and administrative reforms would be necessary to accomplish this. It implies also that the church should continue to control education for citizenship in the church which requires that this function be conducted in complete freedom from state intervention or control. Demands for state support of sectarian education open the door to violation of this principle and should be rejected.

The application of these principles to the problem of state assistance to sectarian schools or their pupils leads to the following conclusions:

The effective separation of church and state which has been stated here need not be violated by the *appropriate* extension to pupils of sectarian schools of attendance, inspectorial, guidance, recreational, medical, dental, and other clinical services; by providing transportation and school lunch programs for them; by furnishing them free text books which are in fact nonsectarian in contents and objectives,—especially with text books which provide materials approved by the state for use in education for citizenship in the state. The phrase "appropriate extension" means, among other things, that these facilities should be under the immediate control and direction of the state to make clear that they are services rendered by the state to its prospective citizens and not services of the state to the church in violation of the vital principle of separation. Present practice is too often culpably slipshod and unsatisfactory in this respect.

The principle of separation is dangerously violated by programs or procedures which leave education for citizenship in the state in the unsupervised and uncontrolled hands of sectarian groups, whether this be by omission or commission.

The point of view expressed here is an extension of that which has been stated by the United States Supreme Court. If the American people become alert to the basic relationship between the preservation of free institutions and the separation of church and state, this could be the direction in which future Supreme Court decisions would move.

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NATIONAL TRAINING LABORATORY IN GROUP DEVELOPMENT

The National Training Laboratory in Group Development will hold its third summer session again at Gould Academy, Bethel, Maine. The Laboratory will open June 19 and continue thru July 8.

This year, more emphasis than in the past will be placed on small strategic teams coming from the same organization or geographical area. Two years' experience with the Laboratory has indicated many areas where more intensified work can be carried out. The Laboratory provides opportunity for action leaders, trainers, educators, and social scientists to explore, in a laboratory situation, basic concepts and skills of group growth and group leadership and membership.

The Laboratory will again be sponsored by the Division of Adult Education Services of the NEA and the Research Center for Group Dynamics of the University of Michigan, with the further cooperation of certain other leading universities, including the University of Chicago and the University of Illinois.

For further information, write to Leland P. Bradford, Director, Division of Adult Education Services, NEA, 1201 Sixteenth Street, N. W., Washington 6, D. C.

THE PUBLIC SCHOOL BUILDS MORAL CHARACTER

by HAZEL FLETT AND ALICE PITTMAN

The public school has always assumed the responsibility along with the family, the church, and other social institutions for building the moral character of each generation. This article indicates in a very simple and concrete way how the teacher is daily building the moral character of children. Miss Flett is a junior high-school teacher and Miss Pittman is an elementary supervisor in the Public Schools of Springfield, Missouri.

The task of building values includes doing whatever needs to be done so that the experiences of children in their homes and community contribute to desirable values.

An occasional business meeting of fathers was an integral part of the educational program in a certain city school. It was a school in an outlying district in a neighborhood of tiny homes, many of which had been ingeniously constructed by their owners. In this district where lived mainly people who did the odd jobs for the rest of the city, people whose contacts with the larger community did not contribute to a sense of being important members of the community group, one of the tasks undertaken by the school was to build community feeling in the neighborhood.

The time was late afternoon ten days before Christmas. The lights were burning on the tall neighborhood tree on the school lawn. A group of fathers were to meet to finish plans for the neighborhood Christmas party. They were coming at five because it was easiest to stop on the way home from work. The first to arrive drove up in his coal truck with a load he would deliver after the meeting. He had washed face and hands but otherwise came as he was from a day of shovelling coal. The second arrivial rattled up in a truck, converted from an old car, with a sign on it saying, "Trash and Ashes Collected". The third pedaled a three-wheeled bicycle on which he made his daily rounds, sharpening scissors and knives. The business for which the group of ten met was arranging to buy the children's treat for the party. When the cost of candy and nuts had been determined it was found there would be no money left for oranges. "But", insisted the scissors grinder, "every child should get an orange for Christmas". So, because there wasn't time for another pie supper to make more money, the ten decided each of them would contribute what he could and they made up enough to buy a large Grade A orange for each child.

ONE POINT OF ATTACK IS TO INFLUENCE THE CHILD'S EXPERIENCES AT HOME.

No, he wasn't hungry. He just wanted some candy and bananas. Thus ten year old Ray on each of several occasions explained his taking money from the desks and purses of other children and teachers. His teacher, suspected an inadequate diet. She knew that Ray had few of the small luxuries so important to children. Except for talking the matter over with Ray the teacher did nothing on the first occasions. She and the principal wanted to study Ray.

Following a later incident the parents were asked to come to school. Their first concern was to restore the money immediately even though the principal assured them that getting the money back was a secondary matter. Their next thought was to punish Ray. The principal suggested the school could help the family by giving the three children lunches, but the father said he thought they had enough food even if it was plain, and, anyway, he expected to pay his own bills. The principal raised the question of whether punishment was the best means of dealing with the child. The father expressed surprise that the principal did not intend to punish Ray, but after considerable discussion he agreed to try talking the problem over with the boy.

Two weeks later Ray took money again. When the distraught father came to school this time, he was not disposed to engage in discussion. He wanted to know whether the school could not commit the boy to an institution, no one in his family had ever grown up to be a thief. Next morning when Ray came to school late, his haggard face gave evidence of his harrowing experiences: a whipping by his father, going to bed without supper, another whipping later in the evening when his motther came from her work, a scanty breakfast he had been told to get for himself if he wanted any.

The principal quickly made her plans for the day - first to give Ray some warm food while making a friendly occasion of their mid-morning conference, then to get into the home before Ray left school to persuade the parents to make him feel welcome. This visit and many others which followed achieved the purpose of convincing the worried parents that the school was not passing judgment on them but was sharing their problem with them.

Much discussion was required to change the father's attitude about accepting financial help to the extent that he would permit the children to be given lunches. Then as a result of the principal and teacher's planning each step with the family, new experiences came into Ray's life: he had a real haircut at the barber shop instead of the usual trimming at home; his parents planned to buy a second-hand bicycle for his Christmas present; they made possible a small allowance, twenty-five cents a week, with no requirements as to how it must be spent. Consideration was given also to ways the tired and busy parents could plan some time to share pleasures with their children.

In dealing with Ray's problem the school gave a minimum of time to influencing Ray himself, but literally hours of attention to changing the family pattern of living and the parents' thinking about how to guide the children; but the end result was experiences for Ray which contributed to better values.

SOMETIMES THE SCHOOL SEEMS POWERLESS TO CHANGE SOCIAL PATTERNS.

In a neighborhood in which both adults and children attached prestige to getting ahead of "The Law", the school seemed to find no point of attack for affecting the values of adults. Teachers therefore sought experiences for children which involved desirable attitudes toward law enforcement.

When a member of the school staff had her car ticketed while at the school for failure to exhibit a city license, she invited a group from the fifth grade to accompany her to police court. Thus the children were given an opportunity to share an experience in which an adult took seriously an obligation to conform to community regulations.

Teachers hoped that if a great many experiences which seemed genuinely significant to children could be provided, they might eventually come to think critically about values which are part of their culture.

HOW CHARACTER IS INFLUENCED BY RELATIONS IN THE CLASSROOM

"Bob, why don't you take your seat? This isn't your committee. You are always where you don't belong."

Overhearing this remark, I moved toward the group discussing the layout for the school paper. Bob, who had been standing by the editor's desk in a manner suggestive of a devoted terrier, blue eyes gleaming and every blond curl cocked, turned away to his seat baffled, obedient, but unsubdued. Exasperated, the members of the committee looked at me.

"Bob is just a 'screwball'. He's always out of place. Why doesn't he 'tend to his ads?"

The remarks carried the hint, kind but firm, that I should properly "squelch" Bob; however I said nothing, but went on with a question about layout. That night I gave the matter careful consideration calling to mind all the information I could put together concerning Bob.

Bob was bright, but he was highly nervous. One eyelid twitched constantly. He worked hard at the ads, dealt well with our patrons, and kept his accounts straight. If you wanted someone to help you out in a pinch, Bob made you feel that it was a real pleasure to help you—after school, on Saturday, anytime. He always came into the room with a bounce and continued to bounce all over the place as long as he was there. He often asked silly questions for his mind flitted in and out of discussions and planning sessions.

Then I faced the real problem. Should we change Bob? Could we change Bob? Should we clamp down on Bob and try, at least, to get outward conformity? Should we take out the "bounce"?

The next day I had a conference with Jim and Dave, two mature boys with good nervous systems. I pointed out Bob's good qualities. I told them that he made me feel optimistic every morning when those blond curls and those bright blues eyes entered the room. We discussed his habits which are annoying, but agreed to be kinder in reminding him of them.

Then I had a talk with Bob. I complimented him on the ways in which he was an asset to the class. I pointed out ways in which he could improve. We analyzed the reasons for which people sometimes spoke sharply to him and he agreed that he would try to be more considerate.

As the year wore on he became "our Bobby". When some complaint arose, before I could temper to the criticism, the other boys would say, "We know; he adds spirit to our class". They said it banteringly, however, and adopted a benevolent sort of big brotherly firmness toward Bob. I see them sometimes now, two years later. The fact that they are still trying to look out for Bob gives me a warm feeling. For I believe they are willing to accept Bob as he is and that they are learning to value him for the contribution he is able to make to his community.

MORAL VALUES EMERGE FROM GROUP THINKING AND JUDGMENTS

As I surveyed the orange paint daubed in fancy swastikas (we had been studying Russia) and the name Jack Baker painted boldly down the concrete posts of the bicycle racks, I was furious. I felt humiliated. Another teacher whose windows overlooked the racks had mildly suggested that I check on the work of the committee from my homeroom which had set out to paint the bicycle racks.

On the way home I seethed. My homeroom had planned a school service—some school service. In the morning I would get revenge for my embarrassment.

That evening, as I took a calmer view, I reluctantly gave up the idea of meeting the group at 9 o'clock and telling them exactly what I thought of them. I considered what seemed to be a more strategic approach to the problem. There would be time in homeroom barely to state the facts—perhaps get a few more, but the whole affair would have to be discussed thoroughly in the general education class. We had the afternoon planned, but this was a crisis for which the flexibility of our curriculum makes allowances.

A panel had been doing some advance exploring into the possibilities of using a short study of psychiatry as a part of a unit on "Why People Behave as They Do" (including the Russians). They were to report to the class. Here was a real experience in analyzing behavior. Why not let the panel help, give them a chance to try their findings on psychiatry. It seemed worth a try.

The next morning I planned with the homeroom president and with the panel. They all agreed that we couldn't put off the paint problem. The homeroom president was to present the facts in the homeroom. The panel said that when the general education class met, they would stand ready to bring in what they had found out about psychiatry as the discussion proceeded.

During homeroom the facts were presented. The committee looked uncomfortable, but said they did not put on the extra paint. They did say that they felt responsible because they had left the paint available. Like the "littlest angel" one boy did shyly admit painting one swastika. The president asked them to put off the discussion until afternoon. I said nothing —neither did I glower.

That afternoon, with the help of the panel, we got very quickly into the matter of analyzing behavior carefully before forming judgments. As to why any boy would want to do such a thing, twenty-five possible motives were suggested. They ranged from "he was just plain mean" to the possibility that it might represent the only way he could think of to get his name before the public. For example, he might be the kind of student who somehow never gets mentioned in our paper.

As the session ended, we agreed to think things over for a day or two and to form individual independent judgments as follows: first, was the behavior abnormal; second, what seemed to be the cause of the behavior; third, what should we, as a class, do about it?

Each member of the class wrote his opinion and handed it to the chairman of the panel who compiled the following report in substance. "The behavior of the paint daubers was normal for boys in junior high school because they were on the yard playing and the activity seemed fun at the time. The behavior, however, was very inappropriate for a good school citizen. It was the result of poor judgment, not meanness. Our job was to repair the damage as quickly as possible and to learn, the hard way, to use better judgment in considering the final results when an unusual opportunity to 'have fun' presented itself." We also felt a responsibility to approach the other boys involved and, in a friendly fashion, report our decisions.

Our committee painted out the decorations. The other boys involved offered to contribute to the needed paint.

The responsibility of the teacher in a program for building moral values is great. The social matrix which impinges on the child, embracing community, home, and school, is her concern. She must be able to understand and interpret the behavior of children. She must be master of the difficult art of guiding group thinking. Finally, she must be intelligent with regard to the social scene to which children must be led to apply the generalizations regarding values which have derived from their first-hand experiences.

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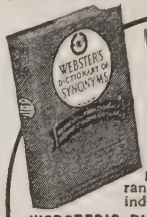

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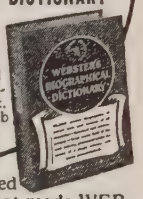

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WHAT DO THE SECTARIANS WANT?

by **B. OTHANEL SMITH**

The non-sectarian public school which has done so much to integrate and unify American culture is threatened by a peculiar coalition of sectarian forces. The legal bulwark of the non-sectarian public school is the basic American doctrine of the separation of church and State. The activities of sectarian leaders and religious groups are eroding this fundamental principle. It is being eaten away by nibbling techniques—by released time, by free books to sectarian schools, by public transportation to parochial schools. So the nibbling goes on, each nibble innocent enough in itself, but all adding up to a persistent and ominous assault on the principle of separation. If the nibbling continues, this principle will finally become so equivocal that even its most courageous defenders will no longer have the will to support it. Furthermore, it is being explained away on the thesis that this principle is not a fundamental Amercian doctrine; that it is a mere excuse used to defend a secularist interpretation of the First Amendment.

Fortunately, the Supreme Court decision in the McCollum case has temporarily weakened the forces attempting to sectarianize public education. However, those who are defending the public schools from the inroads of sectarianism should not be lulled to sleep by this temporary gain. For the sectarian forces are not at rest. They are busy formulating new arguments, new plans, new strategies and techniques by which to attain their ends.

Thus far the teaching profession, it is sad to observe, has been almost oblivious to the whole sectarian movement and in many cases its members have supported the sectarian interests. It is time that the profession becomes aroused and recognizes what is at stake; that it cooperates with those civic forces, public leaders, and religious groups now rising to the defense of the public school. For the issue is now clear. It is no less than the question of whether or not the non-sectarian public school will continue to exist.

WHAT CATHOLIC LEADERS WANT

From whence comes the crusade to sectarianize education? It stems largely from the Roman Catholic Church and from certain Protestant leaders.

The immediate objective of the Catholic Church is to secure state support for Catholic schools. Approximately ninety per cent of the *private* elementary and secondary schools are Roman Catholic institutions. While the number of these schools is small compared to the vast public school system, public support of them would relieve Catholic parents and the Roman Church of the cost of educating their children in their own faith.

Catholic leaders base their claim for public support of Catholic schools partly on the proposition that persons and institutions rendering a public service requested by the government are entitled to share in the tax revenues. Since the Catholic schools are rendering a public service by educating Catholic children, these schools have a legitimate claim on the public treasury. All of this comes under the heading of what the Catholic leaders refer to as the principle of distributive justice. This is indeed a loose proposition if the phrase "requested by the government" is not properly interpreted. Since the government is responsible for public funds, it is the government's prerogative to decide whether or not it has *requested* services of a given person or institution. Without this provision every private school would be entitled to public support. Furthermore, since the family is solely responsible for the education of the child until the age of six, and for part of his education thereafter, each family would be entitled to public funds for the educational services it renders. The fact of the case is that the Catholic Church is operating schools under the right guaranteed it by the federal constitution. It is not educating Catholic children at the *request* of the government.

In further justification of their case Catholic leaders have come forth with the strange notion, borrowed from the old world, that the framers of the First Amendment intended nothing more, respecting religion, than that the federal government be prohibited from supporting one religion more than another, that the Founding Fathers only meant to adopt the old-world view of equal support to all churches where no established church is possible. In this view, it is quite in keeping with the intent of the constitution for the arm of the state to be extended in support of religion, provided it is extended equally to all the churches. Hence the First Amendment would in no way be violated if the federal government were to support Catholic schools, provided the schools of other churches were equally supported.

A few prominent Protestant leaders, for reasons much less clear than those of their Roman Catholic brethren, have come to the support of this erroneous interpretation of the First Amendment and in consequence have thrown their weight against the American principle of separation. This view was considered and discarded by the Supreme Court in the McCollum case. The objection of the Court was stated by Justice Frankfurter when he said: "Separation is a requirement to abstain from fusing the functions of government and of religious sects, not merely to treat them all equally."

CONSEQUENCES OF THE CATHOLIC POSITION

Let us assume that the view of the Catholic leaders were to prevail. What would be the consequences? The first and most obvious result would logically be the disintegration of the public school system. The Catholic schools, strengthened by their new-gained wealth, would rapidly expand so as to accommodate all the children of Catholic parents. As soon as there were enough Catholic schools, Catholic children now in public schools would be withdrawn.

At first the Protestants would ask for little more than released-time programs. Before long, however, in competition with the Catholic Church and its separate schools, they would find themselves in a losing battle and in consequence would be driven to establish separate elementary and secondary schools for children of all sects strong enough in a given community to make their demands effective. At best some of these denominations might get together on the establishment of "common" schools, but the tenure of such a consensus would always be tenuous and uncertain. Likewise the Jews would probably be driven, against their will, to establish separate institutions. What would then remain of the public schools? The most accurate estimate of church membership indicates that only about half of the people belong to a church. Hence there would be many parents who would desire that their children attend the public schools. But at best these schools would probably have less than half their present enrollment.

The second consequence of this view of the relation between church and state would be the progressive disintegration of American culture. America has been, and to a considerable extent still is, the melting-pot of the world. People of all races, creeds, and political views have come to the shores of this nation in search of freedom and security denied them in the land of their birth. Yet out of this maelstrom of uprooted humanity a stable, free society has emerged. In spite of wide differences of religious belief and cultural background, the people have built a large measure of consensus with respect to a way of life. And gradually they are improving themselves and their society. Step by step they are learning to cast aside religious and racial prejudices, to think objectively about economic and political values, and to understand sympathetically the people of other lands.

In this progressive integration of the American people and purification of the American soul, the public schools have played an indispensable role. They have built a solidarity of interests and perspectives which would never have been attained through the cleavages and tensions of sectarian schools. Through their doors and down their halls have trod an endless stream of children from all national and racial stocks —Poles, Germans, Italians, Negroes, Greeks, Chinese, Russians, Japanese, Jews, French; of all religious creeds—Protestants, Judaists, Catholics, Mormons, Confuscians, and countless other faiths; of all political beliefs—socialists, monarchists, democrats, anarchists, communists, fascists; of the wealthy, the poor, and the down-trodden. From their doors have emerged the *American.*

Under a sectarian system of schools the children of different religious creeds would not only be housed in separate buildings. They would also be taught from the religious and social viewpoints of their respective faiths. This would be especially true in such subjects as history, literature, and science. Already there are Catholic textbooks in various subjects. It is not difficult to imagine the extreme diversity of credal interpretations which would permeate instruction in a sectarian system of education. With their segregated children and sectarianized instruction these schools would accentuate the fragmentation of our common socio-moral orientation which is already difficult enough to maintain under the impact of extreme specialization of labor, the decline of face-to-face community life, and the lag of social ideas.

The sectarians of course claim that our socio-moral orientation is in danger of disintegration precisely because the people have drifted away from religious creeds. But which of the two hundred and fifty creeds in American society is to save us is by no means clear. Nor do the sectarians explain why the centers of social insanity, human cruelty and barbarism, of the last four decades have been located in those European countries (Spain, Italy, and Germany) where the sectarians have for the longest time influenced education. Nor do they explain why it is that here in the United States where education has been free and non-sectarian there is today one of the stablest, healthiest, and most moral societies to be found in the modern world. Indeed, the United States is one of the very few nations in which the Catholic Church has not had to fight for its very existence in the present generation.

Social integration is of course not complete. There are many basic differences of opinion and there always will be. That is part of the American character. But American institutions are designed to facilitate the resolution of these differences where they become barriers to social progress. The public schools are part of this institutional system. If education is divided among the churches, if it becomes geared to religious purposes, sectarianism will be stamped into American social and political institutions. Gradually political parties will reflect religious interests rather than the people's interests. Finally, as in the old world and in some parts of the new, political opinion will split along church lines and religious political parties will spring up to plague the people. A multiplicity of parties will emerge and the two-party system, whatever be its merits, will disappear. This sounds strange

and impossible, so accustomed to thinking in non-sectarian terms have we become. But to this end will American society be driven if the wall between church and state is destroyed.

WHAT THE PROTESTANTS WANT

What do the Protestant leaders want? Their goals are neither as clear nor as ambitious as those of the Catholic leaders. Protestant leaders fall into four groups: 1) those who want sectarian instruction in the public schools, 2) those who want no particular sectarian doctrine taught in the schools but who do want every student to be impelled toward the acceptance of some religious faith, 3) those who want the schools to teach about religion, and 4) those who want the schools to remain non-sectarian. Many Judaist leaders tend to accept the position of either group 3 or group 4.

There appear to be two wings of the first group: those who mistake the old-world notion of equal public support for the schools of each sect for the American principle of separation, and those who cling to the principle of separation but fail to understand the logic of their position. The first wing is clearly in the Catholic camp. Since the consequences of their position were pointed out above, they need not be rehearsed.

Those who hold to the principle of separation and at the same time advocate sectarian instruction in the public schools by some such plan as released time, do not perceive the ultimate conclusion to which their position leads. Suppose their position were adopted, what would be the ultimate outcome? Each sect would then teach its own creed in the public school at the expense of the state. The parochial schools would of course be teaching their respective creeds. The striking difference between public and parochial schools would then be that state support is supplied in the first case and denied in the second. In this event, how could the state continue to deny support to parochial schools? Would not the claim of Catholic leaders, and indeed the leaders of all other sects, for state support of parochial schools be in complete accord with established practice? On what grounds could the courts then deny that the Catholic schools were in fact public institutions and thereby entitled to support from public funds? It is difficult to see by what legal logic such claims could be denied. Only if these Protestant leaders are willing to accept the final consequence of their position, namely, the establishment of a system of parochial schools supported by the public and manned by the churches, does their position make sense.

The view of those who want the students to be impelled toward acceptance of a religious faith without teaching creeds, like that of group 1, would in the final analysis scuttle the principle of separation. This result is of course far from what the proponents of this position want. But the means they would employ will necessarily lead to this undesirable outcome.

It may be possible to study religion in the schools without persistently favoring a particular sect. But it would be impossible to impel students toward acceptance of some religious faith without vigorous protest from those who find their security outside of organized religion. Approximately half the people, as noted above, belong to no church. It is reasonable to suppose that many of them would bitterly oppose any pressure to move children in the direction of some religious faith. They would do so rightly on the ground that the principle of separation denies to the public school, as an arm of the state, the right to urge upon children a religious faith even though no specific sect were implied.

SHALL THE SCHOOLS TEACH ABOUT RELIGION?

Consider, now, the position of those Protestant leaders who would have the schools teach *about* religion. What does their position mean and what would it lead to in practice? First, what does the position mean? Subject matter *about* religions, or even sectarian subject matter, can be used to achieve secular ends. Such use of content about religions is an established practice in the public schools. The schools have always employed such subject matter to help youth understand historical events and social movements. Similarly courses in literature, art, and music have made use of many aspects of various religious traditions to achieve such secular ends as the appreciation of art, music, and literature.

The use of subject matter concerning religions, and even religious content, to achieve the civic purposes of the school does not satisfy those who want the schools to teach *about* religion. What more do they want? Apparently they desire that the development of religious literacy become a civic objective of the public schools. They want children and youth to study religion in its own right as a significant aspect of our culture, and not merely as a means of enriching the study of history and art. For example, economics can be studied as it bears upon the understanding of historical developments. It can also be studied in its own right as an independent subject. The school uses economic content in both of these ways. Those who want religion studied *about* in the schools also conceive that the purpose of such study should be to learn about religion *per se*.

It is difficult to tell whether or not this position violates the principle of separation. If courses about religion were confined to the history and present status of religions, if no student were deliberately persuaded either toward or away from a religious faith, then the proposal might fall within the American doctrine of religious freedom. However, there are many practical difficulties which must be faced.

As noted above, there are about two hundred and fifty distinct religious sects in the United States. How can all of these be studied? Surely, time and facilities would not allow separate study of each sect. If they are to be classified and studied by groups, how is this to be done? It must be remembered also, to make the matter still more complex, that proponents of different forms of atheism and agnosticism will most certainly demand that ample time be devoted to the study of their views. Already there are instances in which such groups have demanded time on the radio comparable to that now given to religious sects.

In addition, there are many serious difficulties which have to do with the training and qualifications of teachers. No matter whether the study about religion is conducted from the standpoint of the history of various religions or the general values of all religions, the problem of personnel is staggering. There are not enough people highly enough educated to deal with the subject in either of these ways, nor are there likely to be enough people with this degree of education in the foreseeable future. Almost everyone thinks of religion in terms of some sect—Methodism, Catholicism, Judaism. Indeed that is the kind of specialized mentality which sectarianism breeds. In order to produce the kind of teachers which would thus be required, it would be necessary to re-educate the teacher in such a way as to enable him to transcend his sectarian perspective.

But if these difficulties were overcome, there are still others which are more crucial because they touch on the principle of separation. Let us suppose that in the course of studying about religion, students raise the question (and some of them will) of whether or not religion pays social dividends. They would in all probability raise such questions as whether or not there is less crime, less divorce, less poverty, less delinquency, and the like, among church members than non-members. Let us suppose further that the evidence was not always favorable to the churches (and no one can guarantee that it will be). In this eventuality what would be the reaction of church leaders? Suppose further that the facts show that crime and poverty are more closely associated with membership in certain churches than in others. What would the leaders of these less favored churches do? We should not lose sight of the fact that such a study as this would be coldly objective. But would the sectarian leaders see it that way? Would they not reason that the public school was now teaching *against* religion? Would they not then claim that the school, as an arm of the state, was being used in violation of the principle of separation to repudiate the churches?

ARE THE SCHOOLS ANTI-RELIGIOUS?

It is asserted by sectarians that the public schools are anti-religious. Even a cursory acquaintance with the public schools should indicate to any reasonable person that such an assertion is false. The great majority of teachers belong to a church. Only two decades ago one study showed that approximately eighty per cent of the teachers accepted the Bible as the truth. While this per cent is now probably lower, there is no reason to suppose that the teachers of the 1940's are less committed to religion than they were in the bewildering, '20's. Furthermore, if moral conduct can be taken as evidence of religious devotion, the teachers of this country need not be counted among the faithless. If the teachers are themselves religious, how can the schools be anti-religious? Is it supposed that teachers would set about to undermine their own religious faith?

Sometimes sectarians, losing their perspective in the heat of controversy, insinuate that the schools are being taken over by individuals who accept and preach a naturalistic philosophy. That there are individuals in teacher-training institutions who hold a naturalistic view of life cannot be denied. This is an old philosophical view and it has been entertained in one form or another in academic circles for a long time. But the number of persons holding this view today is small compared to those who profess a supernatural theory of life.

Moreover, it is a far cry, as any school man will tell us, from the philosophical position of a few professors to the classroms of the schools. It has been estimated that it takes seventy-five years for a new idea in education to be translated into practice throughout the country. This estimate assumes that the idea takes root and meets with an ordinary amount of resistance. How long it would take for a naturalistic theory of life to spread thorughout the educational system of this country can hardly be imagined. About all that can be said is that the meager acceptance of this view which causes so much alarm in the ranks of the sectarians is at the same time the cause of the deepest disappointment in the camps of the naturalists.

IS DEMOCRACY DEPENDENT ON CHRISTIANITY?

Let us turn in conclusion to the claim that the vitality and effectiveness of our democratic institutions are dependent upon the vitality of the Christian faith. Our democratic morality and institutional system, it is asserted, grew up in Christian soil and a comparable way of life never appeared in any other soil and it never will. This view has been strongly urged by many Protestant leaders.

But what of the truth of the argument? The fact is that democracy existed in ancient Athens several centuries before Christianity was born. Then Christianity existed for seventeen centuries before modern democracy emerged. Furthermore, democracy still does not exist in such Christian countries as Italy, Spain,

(Continued on Page 128)

FANNING THE FIRES OF RELIGIOUS FREEDOM

—A Review of Two Recent Books

By **A. S. CLAYTON**
Indiana University

Educators, if concerned with the responsibility for directing cultural change, face certain practical and immediate choices concerning the relationships between the church and the public school. Should public funds be used to aid sectarian schools? Should public school buildings be used for religious education? Are programs of "released" time or of "dismissed" time desirable ways of fostering religious freedom? Should parochial school pupils be transported at public expense? What shall be our policies about the reading of the Bible in the public schools? Should textbooks paid for by public school funds be distributed free of charge to parochial school children? These questions and others concerning how we shall operate probably are receiving more attention today than ever before in our history.

If we are to make enlightened choices in programs demanding action, we need to study carefully the grounds upon which these choices rest. How has religious freedom been defined and nurtured in our national development? Are we to determine present policies on the basis of an appeal to conformity with the past or are we to reconsider our traditional separation of church and state in the light of modern conditions and the consequences of our decisions for future welfare? Have our concepts of religion so altered that we need to reconsider our attitude toward the separation of church and state? Does democracy presuppose any particular set of religious views? Does character education demand an underpinning of particular religious views so that it may effectively take hold of human nature? Consideration of these more basic questions seems necessary if we are to put into operation policies that will lead us toward a fuller achievement of the democratic way of life.

Alvin W. Johnson and Frank H. Yost[1] give us a scholarly story of how the American people through democratic practices have, by and large, wrought out a pattern of religious freedom which is unequalled in human affairs. They take up the questions of practical operation, some of which are suggested in the above first paragraph, and by using public documents such as court decisions, constitutions, and laws describe the present state of belief and policy on these controversial problems. The authors do not merely let the records speak for themselves, but they point out the lessons of our experience.

> In the past the movements for a union of church and state, whether they have been Catholic or Protestant, have always been inaugurated with mild measures that appeared innocent enough on the surface. The first step has always been a union of divergent church forces, which have taken the initiative in the preliminary steps. After these divergent church forces have gained the necessary strength and popularity, they have sent out feelers toward the political institutions, in the hope of obtaining cooperation and political aid for the furtherance of church ends. What were first considered voluntary and suggestive measures afterward resolved themselves into ecclesiastical and political coercion. (p. 99)

In our endeavors to encourage every citizen to develop his own religious preferences we need to be critically aware of how far we are moving toward state support of religious institutions.

The authors point out that until recently the furnishing of free textbooks to other than public schools was interpreted as public support of sectarian schools and therefore unconstitutional. They then show that in the case of Cochran v. Louisiana State Board of Education in 1930 the United States Supreme Court decided that books paid for by public funds are only lent to the children of the sectarian school and hence there is no state support of a church school. Appropriately enough, the authors point out that some consider this furnishing of free textbooks to children of a parochial school a first breach in the wall between state and church. If textbooks are thus furnished, why not musical instruments, athletic supplies, teachers, and buildings?

On the other hand, the authors quote without comment a decision from a Mississippi Supreme Court which reasoned:

> If the pupil may fulfill its duty to the state by attending a parochial school it is difficult to see why the state may not fulfill its duty to the pupil by encouraging it "by all suitable means". The state is under a duty to ignore the child's creed, but not its need. It cannot control what one child may think, but it can and must do all it can to teach the child how to think. (pp. 149-50)

[1] **Johnson, Alvin W. and Yost, Frank H., *Separation of Church and State in the United States.* Minneapolis: University of Minnesota Press, 1948, 262 pp.**

It would seem that the authors might have pointed out that thinking does not occur in a space emptied of everything but a child and a textbook and that the nature of the context within which the thinking is shaped is the question on which the court might have pondered.

A second decision in which the United States Supreme Court has seemed to break down the traditional separation between church and state wäs the 1947 decision upholding the New Jersey law to the effect that all pupils should have the benefit of free transportation to schools, both public and parochial. The chief argument of the majority decision was that the state "could not hamper its citizens in the free exercise of their own religion" and that consequently the state could not exclude the members of any faith *"because of their faith, or lack of it,* from receiving the benefits of public welfare legislation." (p. 160). Apparently the point of view of the court was that the state should maintain equal opportunity for all to develop in their own freely chosen religious orientation. The state should maintain such conditions that the individual is not handicapped by his religious affiliation. Thus if a child grows up in a family whose religious outlook will accept as adequate only a church related school, the state should not penalize that child by making it more difficult for him to attend school. The parent who sends his child to the public school is in so far accepting the values of the secular outlook. This parent should not be put in a position of advantage over the parent whose religious convictions prevent his use of the secular school. To prevent this advantage free transportation was interpreted as public welfare legislation.

Johnson and Yost also state the essential grounds for the two dissents in this case. Mr. Justice Jackson argued that the state cannot support a church and it cannot use public funds to furnish free carriage to a church. "The prohibition against establishment of religion cannot be circumvented by a subsidy, bonus or reimbursement of expense to individuals for receiving religious instruction and indoctrination." Mr. Justice Rutledge argued similarly that "money taken by taxation from one is not to be used or given to support another's religious training or belief..... The prohibition is absolute for whatever measure brings that consequence." (p. 162) He went on to ask whether we should supply free transportation to Sunday school, the Y. M. C. A., or the Epworth League. It seems that in the dissents we have the consequences of the majority decision laid clear so that we may appreciate the warning words of Johnson and Yost given above.

The authors conclude their discussion by indicating that nineteen states and one territory allow transportation of parochial school students at public expense and that this question will undoubtedly continue to be highly controversial.

The general conclusion of the authors, despite these serious breaches of the partition of church and public schools, is:

> The principle of separation of church and state and the recognition of personal liberties expressed particularly in the First Amendment to the federal Constitution have been successfully applied in legislation and through litigation in the courts. American insistence upon separation of church and state has been maintained in a remarkable manner. (p. 257)

This account of the American Creed in its search for religious freedom deserves to be widely read and deeply pondered. The brief analysis given here of the cases involving free textbooks and free transportation in religious schools indicates but a minor part of the total contribution of the volume.

A second volume by Joseph Martin Dawson[2] asserts a Protestant or Evangelical view. The author is Recording Secretary of Protestants and Other Americans United for Separation of Church and State which, according to the author, is sustained by four Baptist Conventions for the mobilization and organization of all in behalf of the separation indicated. The book is directed against the Catholic position and draws extensively on Catholic literature to document the real attitude of the Papal Church.

> There can be no doubt about the Catholic plan. Having lost enormous prestige in Europe, the Church now looks to the United States as a suitable stage for the recovery of its lost influence. Here it would seek new ground, consolidate and expand, as compensation for its weakened position in bankrupt Europe, with the hope of transforming this continent, a Protestant country, into a Catholic citadel from which to exert a more powerful rule. (pp. 99-100)

The author thus views with alarm: the attitude that "the Church should conduct public education and the state should pay for it" (p. 40); the continuance of the appointment of Myron C. Taylor as ambassador in fact, if not in official statement, to the Vatican; teachers appointed by churches to teach religion on the school's released time where "no matter what is said, the teaching is sectarian" (p. 49); the Supreme Court decision in the Everson case favoring free transportation for Catholic parochial school children. Mr. Dawson has brought together a number of statements by Catholic authors which help one to visualize the consequences of breaking down the separation between church and state. Attendance at schools "indifferently open to Catholics and non-Catholics without distinction, is forbidden to Catholic children and can be tolerated at the discretion of Bishops in special cir-

[2]**Dawson, Joseph M., *Separate Church and State Now.* New York: Richard R. Smith, 1948, 175 pp.**

cumstances of place and time and under special precautions." (p. 62). "We must take part in elections, move in a solid mass in every State against the party pledged to sustain the integrity of the public schools." (p. 64-5) "...Non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient." (p. 104).

After recognizing the contribution that Dr. Dawson makes in setting forth the dangers involved in authoritarian supernaturalism of the Roman Catholic variety, we have to consider the nature of the author's own preferences.

Dr. Dawson's position is that Protestantism is basic to democracy. Democracy is a product of Christianity; the true origin of democracy is found in the Bible; the notion that men are created free and equal "is not so in any secular sense whatever'" (p. 113) and can only make sense in terms of Protestant Christianity; "religious liberty is dependent on the philosophy derived from the Bible" (p. 113); "not alone democracy, but indeed no worthy kind of social order can be sustained on the insubstantial secularistic ideals offered in the age of science" (p. 113). "To keep democratic unity... no compulsion is necessary or desirable. It is merely a question of voluntary devotion to our historic Christian culture as embodied in the evangelical churches and in their oldest higher institutions of learning." (p. 105)

It is interesting to observe that, as to the historical accuracy of this view, Johnson and Yost have quoted from a "Treaty of Peace and Friendship" with Tripoli in 1796: "As the government of the United States of America is not, in any sense, founded on the Christian religion...."[3] Aside from the question as to the historical accuracy of Dr. Dawson's position, there is the further question as to the present day consequences of his view. Does it mean that before all the nations may form a democratic international organization they must accept Protestant Christianity? Moehlman reminds us that 73% of the world's population is non-Christian and that only 6% is Protestant.[4] Is democracy restricted to only one culture rather than to the relationships between many cultures? And if we are to educate for this sectarian kind of democracy, what happens to the separation of church and state? It seems that if one is to argue for separation of state and church, one should not admit a sectarian education by the back door while expelling it from the front.

A similar ambivalence is found in the author's use of scientific method. For instance, Dr. Dawson states that he regrets having to cite instances and quote authorities in his analysis of the Catholic position but that he must do so to give a scientific treatment of the situation. Presumably, this means that the criticism of the Catholic view is verifiable. Yet the author's treatment of the Catholic Church does not measure up to that scientific canon for he says without any documentation of any kind, "It is rumored that in Atlanta the Church pays Negro children to attend the schools." (p. 101) Similarly, the justification for "There can be no doubt about Catholics going all out for annexing the Negroes" (p. 102) appears to consist in the fact that "the church in places like St. Louis has declared against segregation, in worship and membership, as well as in the schools". (p. 101) To speak of the church "annexing the Negroes" because of a rejection of segregation is not only a remarkable instance of generalizing beyond the evidence but also demonstrates an attitude toward the Negro which some would not accept. Such phraseology seems to imply that the Negro is to be considered in toto rather than as an individual with the same rights as anyone else to religious freedom or any other freedom.

The author also believes that the doctrine of moral depravity is a necessary assumption of democracy. "Because all men are sinful, we must therefore have democracy" (p. 111) is the interpretation put upon the democratic habit of subjecting the actions of the leader to the critical review of others. It is not clear whether the denial of the notion of innate sinfulness removes the grounds for a democratic social organization, but presumably that is the author's position. If so, the consequence is to limit the acceptance of democracy to those who hold this particular religious dogma. In this connection one is reminded of Mosier's study of the McGuffey Readers in which he shows that the doctrine of sinfulness together with the other protestant beliefs such as humility and obedience to clerical injunctions made the famous textbooks a distinctly conservative and sectarian influence in the schools.[5] This same conservatism characterizes Dr. Dawson's advice to teachers. We need "a greater caution in the exuberance of our speech concerning new theories, new discoveries, new things of every description." (p. 139) In short, there seems to be a close relationship between the doctrine of man's native sinfulness and the tendency to conserve the status quo.

In this volume secularism is dismissed so readily that the author finds no care given to spiritual values in the secular public school. He warns us against "those educators who teach that all there is to this morality business is just variable customs, notions, fads, taboos, which belong to some particular class or group, thus leaving the student without any spiritual authority, destitute of any moral conviction, stripped of all inner creative power in his life, stranded upon the quicksands of expediency." (p. 95) He seems to approve of a moratorium on science while we catch

[3]Johnson, A. W. and Yost, F. H., Op. Cit., p. 9
[4]Moehlman, C. H., *The Church as Educator*, New York: Hinds, Hayden & Eldridge, 1947 p. 38

[5]Mosier, R. D., *Making the American Mind*, New York: King's Crown Press, 1947, pp. 77-8.

up on our spiritual potentialities. He finds a positive relationship between an increasing crime rate and increasing education and implies a causal relationship between secular education with its scientific knowledge and a deterioration of morality. All of this leads us to a positive program for an inner moral conversion to the traditional principles of evangelical Christianity. The author overlooks the work of the secular school in promoting spiritual values, the degree of moral conviction to which one may be lead through the scientific attitude, the finding of a tendency toward a low or negative correlation between church membership and the achievement of a good life, the efforts of some theologians to reconstruct our religious traditions so that they will be more in accord with modern science and history rather than with traditional ecclesiastical authority and revelation.

Although we have found a good many points of disagreement with Dr. Dawson's position and some rather fundamental inadequacies, yet there is much to be gained by a thoughtful reading of the book for it calls attention to some of the most outstanding problems of our day. Although we may disagree, perhaps rather fundamentally, with his views, yet we may profit by having the position so well stated. All will appreciatae such superb statements as:

> Liberalism is the willingness to take the risk of dealing with men by persuasion instead of coercion, with reason instead of violence. Carefully defined, it means it is willing, not forced; it asks only simple consent, not championship of unaccepted ideas voiced by others; it provides for disagreement, and disagreement presupposes positive conviction. In other words, true freedom is not intellectual indifference. It is not moral indulgence. It is not and can never be the absence of conviction. (p. 132)

Editor's Note: Recent books presenting sectarian views will be reviewed in the March number.

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BY WAY OF INTRODUCTION, a book list for young people. Compiled by a Joint Committee of the American Library Association, the National Education Association and the National Council of Teachers of English. Frances M. Grim, Editor. Chicago: American Library Association, 1947.

Greene, Evarts B. *Church and State.* Indianapolis: National Foundation Press, 1947, 48 pp. A brief essay on the history and present status of the relation between church and state in the United States.

Klingberg, Frank F. *A Free Church in a Free State.* Indianapolis: National Foundation Press, 1947. 66 pp. A challenging discussion of the principle of separation of church and state.

Powers, Francis J. *Religious Liberty and the Police Power of the State.* Washington: The Catholic University of America Press, 1948. 76 pp.

Moehlman, Conrad Henry. *About the Church as Educator.* Distributed by: American Education Fellowship, Champaign, Illinois. $.25. 1946. A summary of the problem of religious education. How is the conflict between our inherited faith and the age of democracy and science to be understood? What is the function of public education in the United States? The present obligation of public education and the churches.

Hartnett, Robert C., S. J. "Equal Rights for Children". New York: American Press. A pamphlet presenting the case for state aid to church schools from the Catholic standpoint.

Parsons, Wilfred., S. J. *The First Freedom.* New York: The Declan X. McMullen Company, 1948. 178 pp. An interpretation of the First Amendment and a review of recent court decisions in the light of Catholic premises.

CARD WEAVING, by Lois I. Clifford, Occupational Director, West Pennsylvania School for the Blind, Pittsburgh, Penn. Peoria, Illinois: The Manual Arts Press, 1947.

WHAT DO THE SECTARIANS WANT?

(Continued from Page 124)

Portugal, and the nations of South America. It is of course true that democracy cannot exist apart from widespread belief in the worth and dignity of individual men. It is also true that this notion is an essential element of the Christian ethic. But the principle of individual dignity and worth has been proclaimed by other religions as well as by secular philosophies, some of them before the dawn of Christianity. The Christian faith therefore has no monopoly on the moral ideals characterizing a democratic society. Moreover, seventy-five per cent of the world's population is non-Christian. If we can hope for the spread of democracy only as the non-Christian world becomes Christian, the future of democracy is more dismal than our enemies have painted it in their most rabid moments.

Under the principle of separation, the American people have built a climate of political opinion and an institutional system in which men can worship as they please, in which the church is free from domination by the state and the state is free from domination by the church, in which no man can prescribe what shall be orthodox in religion, education, economics, or politics. Our freedoms and our social solidarity are bound up with this principle. Let us rededicate ourselves to this great achievement of the human spirit and resolve that it shall not be surrendered.

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